

SENATE FILE 394
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 333)

(SUCCESSOR TO SF 292)

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

A BILL FOR

1 An Act relating to veterans by providing for the establishment of
2 a department of veterans affairs, and extending veterans'
3 benefits, preferences, eligibility for appointments, and the
4 military service tax credit and exemption to certain members
5 of the reserve forces of the United States and the Iowa
6 national guard and providing an effective date.

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

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SF 394

1 Section 1. Section 7E.5, subsection 1, paragraph v, Code
2 2005, is amended to read as follows:

3 v. The ~~commission~~ department of veterans affairs, which
4 has primary responsibility for state veterans affairs.

5 Sec. 2. Section 35.1, subsection 1, Code 2005, is amended
6 to read as follows:

7 1. "Commission" "Department" means the ~~commission~~
8 department of veterans affairs created in section ~~35A.2~~ 35A.4.

9 Sec. 3. Section 35.1, subsection 2, paragraph b,
10 subparagraphs (1) and (2), Code 2005, are amended to read as
11 follows:

12 (1) Former members of the reserve forces of the United
13 States who served at least twenty years in the reserve forces
14 ~~after-January-28,-1973,~~ and who were discharged under
15 honorable conditions. However, a member of the reserve forces
16 of the United States who completed a minimum aggregate of
17 ninety days of active federal service, other than training,
18 and was discharged under honorable conditions, or was retired
19 under Title X of the United States Code shall be included as a
20 veteran.

21 (2) Former members of the Iowa national guard who served
22 at least twenty years in the Iowa national guard ~~after-January~~
23 ~~28,-1973,~~ and who were discharged under honorable conditions.
24 However, a member of the Iowa national guard who was activated
25 for federal duty, other than training, for a minimum aggregate
26 of ninety days, and was discharged under honorable conditions
27 or was retired under Title X of the United States Code shall
28 be included as a veteran.

29 Sec. 4. Section 35.1, subsection 2, paragraph b, Code
30 2005, is amended by adding the following new subparagraphs:

31 NEW SUBPARAGRAPH. (6) Members of the reserve forces of
32 the United States who have served at least twenty years in the
33 reserve forces and who continue to serve in the reserve
34 forces.

35 NEW SUBPARAGRAPH. (7) Members of the Iowa national guard

1 who have served at least twenty years in the Iowa national
2 guard and who continue to serve in the Iowa national guard.

3 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR
4 CERTAIN VETERANS.

5 In the case of a veteran described in section 35.1,
6 subsection 2, paragraph "b", subparagraph (6) or (7), such
7 veteran shall obtain a statement signed by the veteran's
8 immediate commanding officer in order to fulfill any
9 eligibility requirements under Iowa law pertaining to veteran
10 status. The date of the statement shall be no more than six
11 months from the date of the claim for which veteran status is
12 required.

13 Sec. 6. Section 35.8, Code 2005, is amended to read as
14 follows:

15 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

16 A war orphans educational aid fund is created as a separate
17 fund in the state treasury under the control of the commission
18 department of veterans affairs. Any money appropriated for
19 the purpose of aiding in the education of orphaned children of
20 veterans, as defined in section 35.1, shall be deposited in
21 the war orphans educational aid fund.

22 Sec. 7. Section 35.9, unnumbered paragraph 1, Code 2005,
23 is amended to read as follows:

24 The commission department of veterans affairs may expend
25 not more than six hundred dollars per year for any one child
26 who has lived in the state of Iowa for two years preceding
27 application for aid, and who is the child of a person who died
28 during active federal military service while serving in the
29 armed forces or during active federal military service in the
30 Iowa national guard or other military component of the United
31 States, to defray the expenses of tuition, matriculation,
32 laboratory and similar fees, books and supplies, board,
33 lodging, and any other reasonably necessary expense for the
34 child or children incident to attendance in this state at an
35 educational or training institution of college grade, or in a

1 business or vocational training school with standards approved
2 by the commission department of veterans affairs.

3 Sec. 8. Section 35.10, Code 2005, is amended to read as
4 follows:

5 35.10 ELIGIBILITY AND PAYMENT OF AID.

6 Eligibility for aid shall be determined upon application to
7 the commission department of veterans affairs, whose decision
8 is final. The eligibility of eligible applicants shall be
9 certified by the commission department of veterans affairs to
10 the director of the department of administrative services, and
11 all amounts that are or become due to an individual or a
12 training institution under this chapter shall be paid to the
13 individual or institution by the director of the department of
14 administrative services upon receipt by the director of
15 certification by the president or governing board of the
16 educational or training institution as to accuracy of charges
17 made, and as to the attendance of the individual at the
18 educational or training institution. The commission
19 department of veterans affairs may pay over the annual sum of
20 four hundred dollars to the educational or training
21 institution in a lump sum, or in installments as the
22 circumstances warrant, upon receiving from the institution
23 such written undertaking as the commission department may
24 require to assure the use of funds for the child for the
25 authorized purposes and for no other purpose. A person is not
26 eligible for the benefits of this chapter until the person has
27 graduated from a high school or educational institution
28 offering a course of training equivalent to high school
29 training.

30 Sec. 9. Section 35A.1, Code 2005, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3A. "Department" means the Iowa
33 department of veterans affairs established in section 35A.4.

34 Sec. 10. Section 35A.1, subsection 4, Code 2005, is
35 amended to read as follows:

1 4. "Director" means the **executive** director appointed
2 pursuant to section 35A.8.

3 Sec. 11. Section 35A.3, subsection 2, Code 2005, is
4 amended to read as follows:

5 2. Adopt rules pursuant to chapter 17A and establish
6 policy for the management and operation of the department and
7 the commission.

8 Sec. 12. Section 35A.3, subsections 3, 4, 5, 6, 7, 8, 9,
9 10, 11, 12, and 14, Code 2005, are amended by striking the
10 subsections.

11 Sec. 13. NEW SECTION. 35A.4 DEPARTMENT ESTABLISHED.

12 There is established an Iowa department of veterans affairs
13 which shall consist of a commission, a director, and any
14 additional personnel as employed by the director.

15 Sec. 14. NEW SECTION. 35A.5 DUTIES OF THE DEPARTMENT.

16 The department shall do all of the following:

17 1. Supervise the commandant's administration of commission
18 and department policy for the operations and conduct of the
19 Iowa veterans home.

20 2. Maintain information and data concerning the military
21 service records of Iowa veterans.

22 3. Assist county veteran affairs commissions established
23 pursuant to chapter 35B. The department shall provide to
24 county commissions suggested uniform benefits and
25 administrative procedures for carrying out the functions and
26 duties of the county commissions.

27 4. Permanently maintain the records including certified
28 records of bonus applications for awards paid from the war
29 orphans educational fund under chapter 35.

30 5. Collect and maintain information concerning veterans
31 affairs.

32 6. Conduct two service schools each year for the Iowa
33 association of county commissioners and executive directors.

34 7. Assist the United States veterans administration, the
35 Iowa veterans home, funeral directors, and federally chartered

1 veterans service organizations in providing information
2 concerning veterans service records and veterans affairs data.

3 8. Maintain alphabetically a permanent registry of the
4 graves of all persons who served in the military or naval
5 forces of the United States in time of war and whose mortal
6 remains rest in Iowa.

7 9. Provide training to executive directors of county
8 commissions of veteran affairs pursuant to section 35B.6. The
9 commission may adopt rules in accordance with chapter 17A to
10 provide for training of county veteran affairs executive
11 directors.

12 10. Establish and operate a state veterans cemetery and
13 make application to the government of the United States or any
14 subdivision, agency, or instrumentality thereof, for funds for
15 the purpose of establishing such a cemetery. The state may
16 enter into agreements with any subdivision of the state for
17 assistance in operating the cemetery. The state shall own the
18 land on which the cemetery is located. The department shall
19 have the authority to accept federal grant funds, funding from
20 state subdivisions, donations from private sources, and
21 federal "plot allowance" payments. All such funds shall be
22 deposited into an account dedicated to the establishment,
23 operation, and maintenance of a veterans cemetery and these
24 funds shall be expended only for those purposes. The
25 department through the director shall have the authority to
26 accept suitable cemetery land, in accordance with federal
27 veterans cemetery grant guidelines, from the federal
28 government, state government, state subdivisions, private
29 sources, and any other source wishing to transfer land for use
30 as a veterans cemetery.

31 11. Carry out the policies of the department.

32 Sec. 15. Section 35A.8, subsections 1, 2, and 3, Code
33 2005, are amended to read as follows:

34 1. The governor shall appoint ~~an executive~~ a director,
35 subject to confirmation by the senate, who shall serve at the

1 pleasure of the governor. The **executive** director is
2 responsible for administering the duties of the department and
3 the commission other-than-those-related-to-the-Iowa-veterans
4 home.

5 2. The **executive** director shall be a resident of the state
6 of Iowa and an honorably discharged veteran who served in the
7 armed forces of the United States during a conflict or war.
8 As used in this section, the dates of service in a conflict or
9 war shall coincide with the dates of service established by
10 the Congress of the United States.

11 3. Except for the employment duties and responsibilities
12 assigned to the commandant for the Iowa veterans home, the
13 **executive** director shall employ such personnel as are
14 necessary for the performance of the duties and
15 responsibilities assigned to the department and the
16 commission. All employees shall be selected on a basis of
17 fitness for the work to be performed with due regard to
18 training and experience and shall be subject to the provisions
19 of chapter 8A, subchapter IV.

20 Sec. 16. Section 35A.8, subsection 4, paragraph a, Code
21 2005, is amended to read as follows:

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

28 Sec. 17. Section 35A.9, subsections 1 and 2, Code 2005,
29 are amended to read as follows:

30 1. The **executive** director, commandant, and employees of
31 the commission department and the Iowa veterans home are
32 entitled to receive, in addition to salary, reimbursement for
33 actual expenses incurred while engaged in the performance of
34 official duties.

35 2. All out-of-state travel by commissioners, the **executive**

1 director, the commandant, or employees of the commission
2 department or the Iowa veterans home shall be approved by the
3 chairperson of the commission.

4 Sec. 18. Section 35A.10, subsections 1 and 2, Code 2005,
5 are amended to read as follows:

6 1. The commission department shall work with the
7 department of administrative services to prepare and submit to
8 the director of the department of management, as provided in
9 section 8.23, a multiyear construction program including
10 estimates of the expenditure requirements for the
11 construction, repair, or improvement of buildings, grounds, or
12 equipment at the commission department of veterans affairs
13 building at Camp Dodge and the Iowa veterans home in
14 Marshalltown.

15 2. The commandant and the commission department shall have
16 plans and specifications prepared by the department of
17 administrative services for authorized construction, repair,
18 or improvement projects in excess of twenty-five thousand
19 dollars. An appropriation for a project shall not be expended
20 until the department of administrative services has adopted
21 plans and specifications and has completed a detailed estimate
22 of the cost of the project, prepared under the supervision of
23 a registered architect or registered professional engineer.

24 Sec. 19. Section 35A.11, Code 2005, is amended to read as
25 follows:

26 35A.11 VETERANS LICENSE FEE FUND.

27 A veterans license fee fund is created in the state
28 treasury under the control of the commission department. The
29 fund shall include the fees credited by the treasurer of state
30 from the sale of special veteran license plates pursuant to
31 section 321.34, subsection 13, paragraph "d". Notwithstanding
32 section 12C.7, interest or earnings on moneys in the veterans
33 license fee fund shall be credited to the veterans license fee
34 fund. Moneys in the fund are appropriated to the commission
35 department to be used to fulfill the responsibilities of the

1 commission department.

2 Sec. 20. Section 35B.6, subsection 1, paragraph b, Code
3 2005, is amended to read as follows:

4 b. Upon the employment of an executive director, the
5 executive director shall complete a course of initial training
6 provided by the commission department of veterans affairs
7 pursuant to section 35A-3 35A.5. If an executive director is
8 not appointed, a commissioner or a clerical assistant shall
9 complete the course of training. The commission department
10 shall issue the executive director, commissioner, or clerical
11 assistant a certificate of training after completion of the
12 initial training course. To maintain annual certification,
13 the executive director, commissioner, or clerical assistant
14 shall attend one commission department training course each
15 year. Failure to maintain certification may be cause for
16 removal from office. The expenses of training shall be paid
17 from the appropriation authorized in section 35B.14.

18 Sec. 21. Section 35B.11, Code 2005, is amended to read as
19 follows:

20 35B.11 DATA FURNISHED STATE COMMISSION.

21 The commission of veteran affairs of each county shall
22 provide information to the state-commission department of
23 veterans affairs as the state-commission department may
24 request.

25 Sec. 22. Section 35B.19, Code 2005, is amended to read as
26 follows:

27 35B.19 BURIAL RECORDS.

28 The county commission of veteran affairs shall be charged
29 with securing the information requested by the commission
30 department of veterans affairs of every person having a
31 military service record and buried in that county. Such
32 information shall be secured from the undertaker in charge of
33 the burial and shall be transmitted by the undertaker to the
34 commission of veteran affairs of the county where burial is
35 made. This information shall be recorded alphabetically and

1 by description of location in the cemetery where the veteran
2 is buried. This recording shall conform to the directives of
3 the ~~state-commission~~ department of veterans affairs and shall
4 be kept in a book by the county commission.

5 Sec. 23. Section 35D.1, subsection 2, paragraph b, Code
6 2005, is amended to read as follows:

7 b. "~~Commission~~" "Department" means the ~~commission~~
8 department of veterans affairs established in section 35A-2
9 35A.4.

10 Sec. 24. Section 35D.2, subsection 1, Code 2005, is
11 amended to read as follows:

12 1. Persons described in section 35D.1 who do not have
13 sufficient means for their own support, or are disabled by
14 disease, wounds, old age, or otherwise, and are unable to earn
15 a livelihood, and who are residents of the state of Iowa on
16 the date of the application and immediately preceding the date
17 the application is accepted, may be admitted to the home as
18 members under rules adopted by the commission of veterans
19 affairs. Eligibility determinations are subject to approval
20 by the commandant.

21 Sec. 25. Section 35D.3, Code 2005, is amended to read as
22 follows:

23 35D.3 RULES -- GENERAL MANAGEMENT.

24 The commission of veterans affairs shall adopt all the
25 necessary rules, pursuant to chapter 17A, for the preservation
26 of order and enforcement of discipline, the promotion of
27 health and well-being of all the members, and the management
28 and control of the home and its grounds.

29 Sec. 26. Section 35D.4, subsection 2, Code 2005, is
30 amended to read as follows:

31 2. The cottages may be made available to persons on the
32 staff of the home at a rental rate determined by the
33 commission of veterans affairs.

34 Sec. 27. Section 35D.7, subsection 3, Code 2005, is
35 amended to read as follows:

1 3. The commandant may require any member of the home to
2 render assistance in the care of the home and its grounds as
3 the member's psycho-social and physical condition permit, as a
4 phase of that member's rehabilitation program. The commandant
5 shall compensate each member who furnishes assistance at rates
6 established by the commission of veterans affairs.

7 Sec. 28. Section 35D.8, Code 2005, is amended to read as
8 follows:

9 35D.8 CONDITIONAL ADMITTANCE.

10 The commission department may, if there is room for all
11 dependent members and applicants, admit and allow to remain in
12 the home persons who have sufficient means for their own
13 support but are otherwise eligible to become members of the
14 home, on payment of the cost of their support. The cost and
15 method of collection shall be determined by the commission of
16 veterans affairs.

17 Sec. 29. Section 35D.11, subsection 2, Code 2005, is
18 amended to read as follows:

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

26 Sec. 30. Section 35D.12, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. The commandant, if authorized by a member of the home,
29 and pursuant to policies adopted by the commission of veterans
30 affairs, may make withdrawals against that member's personal
31 account to pay regular bills and other expenses incurred by
32 the member. The authorization may be given by the member at
33 any time and shall not be a condition of admission to the
34 home.

35 Sec. 31. Section 35D.13, subsections 1 and 3, Code 2005,

1 are amended to read as follows:

2 1. The governor shall appoint a commandant, subject to
3 senate confirmation, who shall serve at the pleasure of the
4 governor as the chief executive of the home. The commandant
5 shall report directly to the commission department and shall
6 have the immediate custody and control, subject to the orders
7 of the commission department, of all property used in
8 connection with the home.

9 3. The salary of the commandant shall be fixed by the
10 governor within salary guidelines or a range established by
11 the general assembly. In addition to salary, the commission
12 department shall furnish the commandant with a dwelling house
13 or with appropriate quarters and additional allowances, as
14 provided in section 218.14 for executive heads of state
15 institutions.

16 Sec. 32. Section 35D.15, Code 2005, is amended to read as
17 follows:

18 35D.15 RULES ENFORCED -- POWER TO SUSPEND AND EXPEL
19 MEMBERS.

20 The commandant shall administer and enforce all rules
21 adopted by the commission of veterans affairs, including rules
22 of discipline and, subject to these rules, may immediately
23 suspend the membership of and expel any person from the home
24 for infraction of the rules when the commandant determines
25 that the health, safety, or welfare of the residents of the
26 home is in immediate danger and other reasonable alternatives
27 have been exhausted. The suspension and expulsion are
28 temporary pending action by the commission department.
29 Judicial review of the action of the commission department may
30 be sought in accordance with chapter 17A.

31 Sec. 33. Section 35D.17, Code 2005, is amended to read as
32 follows:

33 35D.17 REPORT BY COMMANDANT.

34 The commandant shall, biennially, make a full and detailed
35 report to the governor, the commission department, and the

1 general assembly, showing the condition of the home, the
2 number of members in the Iowa veterans home, the order and
3 discipline enforced, and the needs of the home financially and
4 otherwise, together with an itemized statement of all receipts
5 and disbursements and any other matters of importance in the
6 management and control of the Iowa veterans home.

7 Sec. 34. Section 36.1, subsection 3, Code 2005, is amended
8 to read as follows:

9 3. "Commission" "Department" means the commission
10 department of veterans affairs established in section 35A.4.

11 Sec. 35. Section 36.2, Code 2005, is amended to read as
12 follows:

13 36.2 CHEMICAL EXPOSURE REPORT TO COMMISSION DEPARTMENT.

14 A licensed physician, as defined in section 135.1,
15 subsection 4, who treats a veteran the physician believes may
16 have been exposed to chemicals while serving in the armed
17 forces of the United States shall submit a report indicating
18 that information to the commission department at the request
19 of the veteran pursuant to section 36.3.

20 Sec. 36. Section 36.3, Code 2005, is amended to read as
21 follows:

22 36.3 DUTIES OF THE COMMISSION DEPARTMENT.

23 The commission department shall:

24 1. Provide the forms for the reports required in section
25 36.2. The report form shall require the doctor to provide all
26 of the following:

27 a. Symptoms of the veteran which may be related to
28 exposure to chemicals.

29 b. Diagnosis of the veteran.

30 c. Methods of treatment prescribed.

31 2. Annually compile and evaluate the information submitted
32 in the reports pursuant to subsection 1, in consultation and
33 cooperation with a certified medical toxicologist selected by
34 the commission department. The commission department shall
35 submit the report to the governor, the general assembly, and

1 the United States veterans' administration. The report shall
2 include current research data on the effects of exposure to
3 chemicals, statistical information received from individual
4 physicians' reports, and statistical information from the
5 epidemiological investigations pursuant to subsection 3.

6 3. Conduct epidemiological investigations of veterans who
7 have cancer or other medical problems or who have children
8 born with birth defects associated with exposure to chemicals,
9 in consultation and cooperation with a certified medical
10 toxicologist selected by the commission department. The
11 commission department shall obtain consent from a veteran
12 before conducting the investigations.

13 The commission department shall cooperate with local and
14 state agencies during the course of an investigation.

15 Sec. 37. Section 36.4, unnumbered paragraph 1, Code 2005,
16 is amended to read as follows:

17 The commission department shall not identify a veteran
18 consenting to the epidemiological investigations pursuant to
19 section 36.3, subsection 3, unless the veteran consents to the
20 release of identity. The statistical information compiled by
21 the commission department pursuant to section 36.3 is a public
22 record.

23 Sec. 38. Section 36.6, unnumbered paragraph 1, Code 2005,
24 is amended to read as follows:

25 The commission department and appropriate medical
26 facilities at the state university of Iowa under the control
27 of the state board of regents shall institute a cooperative
28 program to:

29 Sec. 39. Section 36.7, Code 2005, is amended to read as
30 follows:

31 36.7 FEDERAL PROGRAM.

32 If the commission department or the general assembly
33 determines that an agency of the federal government or the
34 state of Iowa is providing the referral and genetic services
35 pursuant to section 36.6, the commission department or the

1 general assembly by specific action may discontinue all or
2 part of the services and requirements in this chapter.

3 Sec. 40. Section 36.8, Code 2005, is amended to read as
4 follows:

5 36.8 RULES.

6 The commission department shall adopt rules pursuant to
7 chapter 17A to implement this chapter.

8 Sec. 41. Section 36.9, Code 2005, is amended to read as
9 follows:

10 36.9 APPROPRIATIONS.

11 This chapter shall be implemented by the commission
12 department each fiscal year that appropriations are made to
13 the commission department for the implementation.

14 Sec. 42. Section 135C.31A, Code 2005, is amended to read
15 as follows:

16 135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM ELIGIBILITY.

17 Beginning July 1, 2003, a health care facility receiving
18 reimbursement through the medical assistance program under
19 chapter 249A shall assist the Iowa commission department of
20 veterans affairs in identifying, upon admission of a resident,
21 the resident's eligibility for benefits through the federal
22 department of veterans affairs. The health care facility
23 shall also assist the Iowa commission department of veterans
24 affairs in determining such eligibility for residents residing
25 in the facility on July 1, 2003. The department of
26 inspections and appeals, in cooperation with the department of
27 human services, shall adopt rules to administer this section,
28 including a provision that ensures that if a resident is
29 eligible for benefits through the federal department of
30 veterans affairs or other third-party payor, the payor of last
31 resort for reimbursement to the health care facility is the
32 medical assistance program. This section shall not apply to
33 the admission of an individual to a state mental health
34 institute for acute psychiatric care or to the admission of an
35 individual to the Iowa veterans home.

1 Sec. 43. Section 256.9, subsection 48, Code 2005, is
2 amended to read as follows:

3 48. Develop and administer, with the cooperation of the
4 commission department of veterans affairs, a program which
5 shall be known as operation recognition. The purpose of the
6 program is to award high school diplomas to veterans of World
7 War I, World War II, and the Korean and Vietnam conflicts who
8 left high school prior to graduation to enter United States
9 military service. The department of education and the
10 commission department of veterans affairs shall jointly
11 develop an application procedure, distribute applications, and
12 publicize the program to school districts, accredited
13 nonpublic schools, county commissions of veteran affairs,
14 veterans organizations, and state, regional, and local media.
15 All honorably discharged veterans who are residents or former
16 residents of the state; who served at any time between April
17 6, 1917, and November 11, 1918, at any time between September
18 16, 1940, and December 31, 1946, at any time between June 25,
19 1950, and January 31, 1955, or at any time between February
20 28, 1961, and May 5, 1975, all dates inclusive; and who did
21 not return to school and complete their education after the
22 war or conflict shall be eligible to receive a diploma.
23 Diplomas may be issued posthumously. Upon approval of an
24 application, the department shall issue an honorary high
25 school diploma for an eligible veteran. The diploma shall
26 indicate the veteran's school of attendance. The department
27 of education and the commission department of veterans affairs
28 shall work together to provide school districts, schools,
29 communities, and county commissions of veteran affairs with
30 information about hosting a diploma ceremony on or around
31 Veterans Day. The diploma shall be mailed to the veteran or,
32 if the veteran is deceased, to the veteran's family.

33 Sec. 44. Section 303.2, subsection 2, paragraph k, Code
34 2005, is amended to read as follows:

35 k. Administer, preserve, and interpret the battle flag

1 collection assembled by the state in consultation and
2 coordination with the commission department of veterans
3 affairs and the department of administrative services. A
4 portion of the battle flag collection shall be on display at
5 the state capitol and the state historical building at all
6 times, unless on loan approved by the department of cultural
7 affairs.

8 Sec. 45. Section 331.608, subsection 6, paragraph e, Code
9 2005, is amended to read as follows:

10 e. When otherwise required by a department or agency of
11 the federal or state government or a political subdivision.
12 The recorder shall make these records available to the
13 commission department of veterans affairs. The commission
14 department of veterans affairs and its employees shall be
15 subject to the same state and federal confidentiality
16 restrictions and requirements that are imposed on the
17 recorder.

18 Sec. 46. Section 426A.13, unnumbered paragraphs 1 through
19 3, Code 2005, are amended to read as follows:

20 A person named in section 426A.11, who is a resident of and
21 domiciled in the state of Iowa, shall receive a reduction
22 equal to the exemption, to be made from any property owned by
23 the person or owned by a family farm corporation of which the
24 person is a shareholder and who occupies the property and so
25 designated by proceeding as provided in the section. To be
26 eligible to receive the exemption the person claiming it shall
27 have recorded in the office of the county recorder of the
28 county in which is located the property designated for the
29 exemption, evidence of property ownership by that person or
30 the family farm corporation of which the person is a
31 shareholder and the military certificate of satisfactory
32 service, order transferring to inactive status, reserve,
33 retirement, order of separation from service, honorable
34 discharge or a copy of any of these documents of the person
35 claiming or through whom is claimed the exemption. In the

1 case of a person claiming the exemption for currently serving
2 in the reserve forces of the United States or the Iowa
3 national guard, the person shall file the statement required
4 by section 35.2.

5 The person shall file with the appropriate assessor on
6 forms obtained from the assessor the claim for exemption for
7 the year for which the person is first claiming the exemption.
8 The claim shall be filed not later than July 1 of the year for
9 which the person is claiming the exemption. The claim shall
10 set out the fact that the person is a resident of and
11 domiciled in the state of Iowa, and a person within the terms
12 of section 426A.11, and shall give the volume and page on
13 which the certificate of satisfactory service, order of
14 separation, retirement, furlough to reserve, inactive status,
15 or honorable discharge or certified copy thereof is recorded
16 in the office of the county recorder, and may include the
17 designation of the property from which the exemption is to be
18 made, and shall further state that the claimant is the
19 equitable or legal owner of the property designated or if the
20 property is owned by a family farm corporation, that the
21 person is a shareholder of that corporation and that the
22 person occupies the property. In the case of a person
23 claiming the exemption for currently serving in the reserve
24 forces of the United States or the Iowa national guard, the
25 person shall file the statement required by section 35.2.

26 Upon the filing and allowance of the claim, the claim shall
27 be allowed to that person for successive years without further
28 filing. However, in the case of a person currently serving in
29 the reserve forces of the United States or the Iowa national
30 guard, such person shall file each year to be eligible to
31 obtain the exemption. Provided, that notwithstanding the
32 filing or having on file a claim for exemption, the person or
33 person's spouse is the legal or equitable owner of the
34 property on July 1 of the year for which the claim is allowed.
35 When the property is sold or transferred or the person wishes

1 to designate different property for the exemption, a person
2 who wishes to receive the exemption shall refile for the
3 exemption. A person who sells or transfers property which is
4 designated for the exemption or the personal representative of
5 a deceased person who owned such property shall provide
6 written notice to the assessor that the property is no longer
7 legally or equitably owned by the former claimant.

8 Sec. 47. Section 483A.24, subsection 13, Code 2005, is
9 amended to read as follows:

10 13. Upon payment of the fee of thirty dollars for a
11 lifetime hunting and fishing combined license, the department
12 shall issue a hunting and fishing combined license to a
13 resident of Iowa who is a veteran, as defined in section 35.1,
14 who was disabled or was a prisoner of war during that
15 veteran's military service. The department shall prepare an
16 application to be used by a person requesting a hunting and
17 fishing combined license under this subsection. The
18 ~~commission~~ department of veterans affairs shall assist the
19 department in verifying the status or claims of applicants
20 under this subsection. As used in this subsection, "disabled"
21 means entitled to compensation under the United States Code,
22 Title 38, ch. 11.

23 Sec. 48. Section 669.2, subsection 4, unnumbered paragraph
24 1, Code 2005, is amended to read as follows:

25 "Employee of the state" includes any one or more officers,
26 agents, or employees of the state or any state agency,
27 including members of the general assembly, and persons acting
28 on behalf of the state or any state agency in any official
29 capacity, temporarily or permanently in the service of the
30 state of Iowa, whether with or without compensation, but does
31 not include a contractor doing business with the state.
32 Professional personnel, including physicians, osteopathic
33 physicians and surgeons, osteopathic physicians, optometrists,
34 dentists, nurses, physician assistants, and other medical
35 personnel, who render services to patients or inmates of state

1 institutions under the jurisdiction of the department of human
2 services or the Iowa department of corrections, and employees
3 of the ~~commission~~ department of veterans affairs, are to be
4 considered employees of the state, whether the personnel are
5 employed on a full-time basis or render services on a part-
6 time basis on a fee schedule or other arrangement. Criminal
7 defendants while performing unpaid community service ordered
8 by the district court, board of parole, or judicial district
9 department of correctional services, or an inmate providing
10 services pursuant to a chapter 28E agreement entered into
11 pursuant to section 904.703, and persons supervising those
12 inmates under and according to the terms of the chapter 28E
13 agreement, are to be considered employees of the state.

14 Sec. 49. STATE FUNDING. The military service tax credits
15 and exemptions provided pursuant to this Act shall be funded
16 pursuant to chapter 426A and section 25B.7, subsection 2.

17 Sec. 50. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 EXPLANATION

20 This bill makes changes relating to veterans.

21 The bill establishes the department of veterans affairs and
22 transfers most functions currently the responsibility of the
23 commission of veterans affairs to the department.

24 The bill maintains the current commission of veterans
25 affairs and provides that it remains responsible for adopting
26 most rules to establish the policy for the management and
27 operation of the department. Current functions performed by
28 the commission of veterans affairs and transferred to the
29 department of veterans affairs in the bill include matters
30 relating to the war orphans educational aid fund, state
31 veterans cemetery, Iowa veterans home, veterans exposure to
32 chemicals, high school diploma for certain veterans program,
33 battle flag collection, and hunting and fishing licenses for
34 veterans.

35 The bill amends the definition of "veteran" to include

1 members of the reserve forces of the United States and members
2 of the Iowa national guard who have served at least 20 years
3 and who continue to serve in the reserve forces or the Iowa
4 national guard. By operation of law, such persons will be
5 eligible for veterans' benefits, preferences, eligibility for
6 appointments, and the military service tax credit and
7 exemption, all as provided by Iowa law.

8 In response to the requirement of Code section 25B.7, the
9 military service tax credits and exemptions resulting from the
10 bill are funded as provided in Code chapter 426A.

11 The bill takes effect upon enactment.

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**EIGHTY FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 7, 2005

SENATE FILE 394

S-3090

1 Amend Senate File 394 as follows:
2 1. Page 1, line 3, by striking the words
3 "~~commission department~~" and inserting the following:
4 "Iowa commission".
5 2. Page 1, line 8, by inserting before the word
6 "department" the following: "Iowa".
7 3. Page 2, by striking lines 5 through 12 and
8 inserting the following:
9 "In order to fulfill any eligibility requirements
10 under Iowa law pertaining to veteran status, a veteran
11 described in section 35.1, subsection 2, paragraph
12 "b", subparagraph (6) or (7), shall submit the
13 veteran's retirement points accounting statement
14 issued by the armed forces of the United States, the
15 state adjutant general, or the adjutant general of any
16 other state, to confirm that the person has completed
17 twenty years of service with the reserve forces or the
18 national guard."
19 4. By striking page 3, line 34, through page 4,
20 line 2.
21 5. Page 4, line 3, by striking the words and
22 figures "subsection 2, Code 2005, is" and inserting
23 the following: "subsections 2 and 3, Code 2005, are".
24 6. Page 4, by inserting after line 7 the
25 following:
26 "3. Prescribe the duties of an executive director
27 ~~and other employees as the commission shall deem~~
28 ~~necessary to carry out the duties of the commission.~~"
29 7. Page 4, line 8, by striking the figures "3,
30 4,".
31 8. Page 4, by striking lines 17 through 19.
32 9. Page 5, line 30, by inserting after the word
33 "cemetery." the following: "Notwithstanding section
34 8.33, any moneys in the account for a state veterans
35 cemetery shall not revert and, notwithstanding section
36 12C.7, subsection 2, interest or earnings on moneys
37 deposited in the fund shall be credited to the
38 account."
39 10. By striking page 5, line 32, through page 6,
40 line 27, and inserting the following:
41 "Sec. ____ . Section 35A.8, subsections 1 and 3,
42 Code 2005, are amended to read as follows:
43 1. The governor shall appoint an executive
44 director, subject to confirmation by the senate, who
45 shall serve at the pleasure of the governor. The
46 executive director is responsible for administering
47 the duties of the department and the commission other
48 than those related to the Iowa veterans home.
49 3. Except for the employment duties and
50 responsibilities assigned to the commandant for the

S-3090

1 Iowa veterans home, the executive director shall
2 employ such personnel as are necessary for the
3 performance of the duties and responsibilities
4 assigned to the department and the commission. All
5 employees shall be selected on a basis of fitness for
6 the work to be performed with due regard to training
7 and experience and shall be subject to the provisions
8 of chapter 8A, subchapter IV."

9 11. Page 6, line 30, by striking the word
10 "executive" and inserting the following: "executive".

11 12. Page 6, line 35, by striking the word
12 "executive" and inserting the following: "executive".

13 13. By striking page 7, line 4, through page 8,
14 line 1.

15 14. Page 8, by inserting before line 2, the
16 following:

17 "Sec. _____. Section 35B.5, Code 2005, is amended to
18 read as follows:

19 35B.5 COMPENSATION.

20 A member of the commission shall receive twenty-
21 five dollars or a greater amount as established by the
22 board of supervisors for each month during which the
23 member attends one or more commission meetings and
24 shall be reimbursed for mileage the same as a member
25 of the board of supervisors. Compensation and mileage
26 shall be paid out of the appropriation authorized in
27 section 35B.14."

28 15. Page 8, line 20, by striking the words "STATE
29 COMMISSION" and inserting the following: "STATE
30 COMMISSION IOWA DEPARTMENT OF VETERANS AFFAIRS".

31 16. By striking page 9, line 5, through page 12,
32 line 6.

33 17. Page 12, by striking lines 9 and 10, and
34 inserting the following:

35 "3. "Commission" means the commission of veterans
36 affairs established in section 35A.2.

37 Sec. _____. Section 36.1, Code 2005, is amended by
38 adding the following new subsection:

39 NEW SUBSECTION. 3A. "Department" means the
40 department of veterans affairs established in section
41 35A.4."

42 18. Page 14, by striking lines 3 through 13, and
43 inserting the following:

44 "Sec. _____. NEW SECTION. 135.20 HEPATITIS C
45 AWARENESS PROGRAM -- VETERANS -- VACCINATIONS.

46 1. The department shall establish and administer a
47 hepatitis C awareness program. The goal of the
48 program shall be to distribute information to veterans
49 regarding the higher incidence of hepatitis C exposure
50 and infection among veterans, the dangers presented by

1 the disease, and contacts for additional information
2 and referrals. For purposes of this section,
3 "veteran" means an individual meeting the definition
4 contained in section 35.1.

5 2. The information to be distributed shall be
6 determined by the department by rule, in consultation
7 with the commission of veterans affairs. The
8 information shall, at a minimum, contain statements
9 indicating that:

10 a. The federal department of veterans affairs
11 estimates a hepatitis C infection rate in veterans
12 more than three times higher than for the general
13 population.

14 b. The infection rate for Vietnam veterans is
15 estimated to be even higher than for other veterans
16 groups.

17 c. The disease is caused by a bloodborne virus
18 readily transmitted during combat and combat-related
19 emergency medical treatment.

20 d. Many veterans currently carrying the virus were
21 infected prior to the development of medical screening
22 tests.

23 e. The hepatitis C virus often resolves into a
24 chronic infection without symptoms for ten to thirty
25 years before signs of resultant liver disease appear.

26 f. This unusually long latency period makes it
27 difficult to connect current symptoms with an
28 infection that may have actually been contracted
29 during military service decades ago.

30 The information shall also present treatment
31 options and shall specify a procedure to be followed
32 for veterans desiring a medical consultation for
33 screening and treatment purposes. The department
34 shall cooperate with the state commission of veterans
35 affairs regarding distribution of the information to
36 the veterans home, the county commissions of veteran
37 affairs, veterans hospitals, and other appropriate
38 points of distribution."

39 19. Page 18, by striking lines 8 through 22, and
40 inserting the following:

41 "Sec. ____ . Section 483A.24, subsection 13, Code
42 2005, is amended to read as follows:

43 13. Upon payment of the fee of thirty dollars for
44 a lifetime hunting and fishing combined license, the
45 department shall issue a hunting and fishing combined
46 license to a resident of Iowa who ~~is a veteran, as~~
47 defined in section 35.1, served in the armed forces of
48 the United States for a minimum aggregate of ninety
49 days of active federal service and who was disabled or
50 was a prisoner of war during that veteran's military

1 service. The department shall prepare an application
2 to be used by a person requesting a hunting and
3 fishing combined license under this subsection. The
4 ~~commission~~ department of veterans affairs shall assist
5 the department in verifying the status or claims of
6 applicants under this subsection. As used in this
7 subsection, "disabled" means entitled to compensation
8 under the United States Code, Title 38, ch. 11."

9 20. Page 19, by inserting after line 13, the
10 following:

11 "Sec. _____. 2003 Iowa Acts, chapter 179, section
12 21, subsections 2 and 5, as enacted by 2005 Iowa Acts,
13 Senate File 75, section 1, are amended to read as
14 follows:

15 2. Of the funds appropriated in this section,
16 \$10,000 is transferred to the ~~Iowa~~ department of
17 ~~public health~~ human services for allocation to
18 community mental health centers to provide counseling
19 services to persons, whether or not employed by the
20 state, who are members of the national guard or
21 reservists and who are assigned to active duty service
22 in the armed forces of the United States and to the
23 persons' family members. The sessions shall be
24 provided on a first come, first served basis and shall
25 be limited to three visits per family.

26 5. The remainder of the funds appropriated in this
27 section are transferred to the Iowa finance authority
28 to be used for a home ownership assistance program for
29 persons who are eligible members of the armed forces
30 of the United States. In the event an eligible member
31 is deceased, the surviving spouse of the eligible
32 member shall be eligible for a loan under the program,
33 subject to the surviving spouse meeting the program's
34 eligibility requirements other than the military
35 service requirement. For the purposes of this
36 subsection, "eligible member of the armed forces of
37 the United States" means a resident of this state who
38 is or was a member of the national guard, reserve, or
39 regular component of the armed forces of the United
40 States who has served at least ninety days of active
41 duty service during the period beginning September 11,
42 2001, and ending June 30, 2006.

43 Sec. _____. VETERANS HEPATITIS C AWARENESS PROGRAM
44 REPORT. The Iowa department of public health shall
45 submit a report to the members of the general assembly
46 by January 1, 2007, regarding the development and
47 distribution of the information required by the
48 section of this Act enacting section 135.20 and any
49 resulting impact."

50 21. Page 19, by inserting after line 18 the

1 following:

2 "Sec. _____. RETROACTIVE APPLICABILITY. The section
3 of this Act amending 2003 Iowa Acts, chapter 179, is
4 retroactively applicable to May 17, 2004."

5 22. Title page, line 2, by striking the word
6 "and" and inserting the following: "providing for the
7 compensation of members of a county commission of
8 veteran affairs, providing for the issuance of
9 combined hunting and fishing licenses to certain
10 veterans, establishing a hepatitis C awareness program
11 for veterans, concerning funds in an account for a
12 state veterans cemetery,".

13 23. Title page, line 6, by inserting after the
14 word "guard" the following: ", concerning military
15 pay differential,".

16 24. Title page, line 6, by inserting after the
17 word "date" the following: "and a retroactive
18 applicability date".

19 25. By renumbering and correcting internal
20 references as necessary.

By JOHN P. KIBBIE

CHARLES W. LARSON, JR.

STEVEN H. WARNSTADT

LARRY MCKIBBEN

S-3090 FILED APRIL 6, 2005

ADOPTED

1 Section 1. Section 7E.5, subsection 1, paragraph v, Code
2 2005, is amended to read as follows:

3 v. The Iowa commission of veterans affairs, which has
4 primary responsibility for state veterans affairs.

5 Sec. 2. Section 35.1, subsection 1, Code 2005, is amended
6 to read as follows:

7 1. "Commission" "Department" means the commission Iowa
8 department of veterans affairs created in section ~~35A.2~~ 35A.4.

9 Sec. 3. Section 35.1, subsection 2, paragraph b,
10 subparagraphs (1) and (2), Code 2005, are amended to read as
11 follows:

12 (1) Former members of the reserve forces of the United
13 States who served at least twenty years in the reserve forces
14 ~~after-January-28,-1973,~~ and who were discharged under
15 honorable conditions. However, a member of the reserve forces
16 of the United States who completed a minimum aggregate of
17 ninety days of active federal service, other than training,
18 and was discharged under honorable conditions, or was retired
19 under Title X of the United States Code shall be included as a
20 veteran.

21 (2) Former members of the Iowa national guard who served
22 at least twenty years in the Iowa national guard ~~after-January~~
23 ~~28,-1973,~~ and who were discharged under honorable conditions.
24 However, a member of the Iowa national guard who was activated
25 for federal duty, other than training, for a minimum aggregate
26 of ninety days, and was discharged under honorable conditions
27 or was retired under Title X of the United States Code shall
28 be included as a veteran.

29 Sec. 4. Section 35.1, subsection 2, paragraph b, Code
30 2005, is amended by adding the following new subparagraphs:

31 NEW SUBPARAGRAPH. (6) Members of the reserve forces of
32 the United States who have served at least twenty years in the
33 reserve forces and who continue to serve in the reserve
34 forces.

35 NEW SUBPARAGRAPH. (7) Members of the Iowa national guard

1 who have served at least twenty years in the Iowa national
2 guard and who continue to serve in the Iowa national guard.

3 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR
4 CERTAIN VETERANS.

5 In order to fulfill any eligibility requirements under Iowa
6 law pertaining to veteran status, a veteran described in
7 section 35.1, subsection 2, paragraph "b", subparagraph (6) or
8 (7), shall submit the veteran's retirement points accounting
9 statement issued by the armed forces of the United States, the
10 state adjutant general, or the adjutant general of any other
11 state, to confirm that the person has completed twenty years
12 of service with the reserve forces or the national guard.

13 Sec. 6. Section 35.8, Code 2005, is amended to read as
14 follows:

15 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

16 A war orphans educational aid fund is created as a separate
17 fund in the state treasury under the control of the commission
18 department of veterans affairs. Any money appropriated for
19 the purpose of aiding in the education of orphaned children of
20 veterans, as defined in section 35.1, shall be deposited in
21 the war orphans educational aid fund.

22 Sec. 7. Section 35.9, unnumbered paragraph 1, Code 2005,
23 is amended to read as follows:

24 The commission department of veterans affairs may expend
25 not more than six hundred dollars per year for any one child
26 who has lived in the state of Iowa for two years preceding
27 application for aid, and who is the child of a person who died
28 during active federal military service while serving in the
29 armed forces or during active federal military service in the
30 Iowa national guard or other military component of the United
31 States, to defray the expenses of tuition, matriculation,
32 laboratory and similar fees, books and supplies, board,
33 lodging, and any other reasonably necessary expense for the
34 child or children incident to attendance in this state at an
35 educational or training institution of college grade, or in a

1 business or vocational training school with standards approved
2 by the commission department of veterans affairs.

3 Sec. 8. Section 35.10, Code 2005, is amended to read as
4 follows:

5 35.10 ELIGIBILITY AND PAYMENT OF AID.

6 Eligibility for aid shall be determined upon application to
7 the commission department of veterans affairs, whose decision
8 is final. The eligibility of eligible applicants shall be
9 certified by the commission department of veterans affairs to
10 the director of the department of administrative services, and
11 all amounts that are or become due to an individual or a
12 training institution under this chapter shall be paid to the
13 individual or institution by the director of the department of
14 administrative services upon receipt by the director of
15 certification by the president or governing board of the
16 educational or training institution as to accuracy of charges
17 made, and as to the attendance of the individual at the
18 educational or training institution. The commission
19 department of veterans affairs may pay over the annual sum of
20 four hundred dollars to the educational or training
21 institution in a lump sum, or in installments as the
22 circumstances warrant, upon receiving from the institution
23 such written undertaking as the commission department may
24 require to assure the use of funds for the child for the
25 authorized purposes and for no other purpose. A person is not
26 eligible for the benefits of this chapter until the person has
27 graduated from a high school or educational institution
28 offering a course of training equivalent to high school
29 training.

30 Sec. 9. Section 35A.1, Code 2005, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3A. "Department" means the Iowa
33 department of veterans affairs established in section 35A.4.

* 34 Sec. 10. Section 35A.3, subsections 2 and 3, Code 2005,
35 are amended to read as follows:

1 2. Adopt rules pursuant to chapter 17A and establish
2 policy for the management and operation of the department and
3 the commission.

4 3. Prescribe the duties of an executive director and other
5 employees-as-the-commission-shall-deem-necessary-to-carry-out
6 the-duties-of-the-commission.

* 7 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9, 10, 11,
8 12, and 14, Code 2005, are amended by striking the
9 subsections.

10 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT ESTABLISHED.

11 There is established an Iowa department of veterans affairs
12 which shall consist of a commission, a director, and any
13 additional personnel as employed by the director.

14 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE DEPARTMENT.

15 The department shall do all of the following:

* 16 1. Maintain information and data concerning the military
17 service records of Iowa veterans.

18 2. Assist county veteran affairs commissions established
19 pursuant to chapter 35B. The department shall provide to
20 county commissions suggested uniform benefits and
21 administrative procedures for carrying out the functions and
22 duties of the county commissions.

23 3. Permanently maintain the records including certified
24 records of bonus applications for awards paid from the war
25 orphans educational fund under chapter 35.

26 4. Collect and maintain information concerning veterans
27 affairs.

28 5. Conduct two service schools each year for the Iowa
29 association of county commissioners and executive directors.

30 6. Assist the United States veterans administration, the
31 Iowa veterans home, funeral directors, and federally chartered
32 veterans service organizations in providing information
33 concerning veterans service records and veterans affairs data.

34 7. Maintain alphabetically a permanent registry of the
35 graves of all persons who served in the military or naval

1 forces of the United States in time of war and whose mortal
2 remains rest in Iowa.

3 8. Provide training to executive directors of county
4 commissions of veteran affairs pursuant to section 35B.6. The
5 commission may adopt rules in accordance with chapter 17A to
6 provide for training of county veteran affairs executive
7 directors.

8 9. Establish and operate a state veterans cemetery and
9 make application to the government of the United States or any
10 subdivision, agency, or instrumentality thereof, for funds for
11 the purpose of establishing such a cemetery. The state may
12 enter into agreements with any subdivision of the state for
13 assistance in operating the cemetery. The state shall own the
14 land on which the cemetery is located. The department shall
15 have the authority to accept federal grant funds, funding from
16 state subdivisions, donations from private sources, and
17 federal "plot allowance" payments. All such funds shall be
18 deposited into an account dedicated to the establishment,
19 operation, and maintenance of a veterans cemetery and these
20 funds shall be expended only for those purposes. The
21 department through the director shall have the authority to
22 accept suitable cemetery land, in accordance with federal
23 veterans cemetery grant guidelines, from the federal
24 government, state government, state subdivisions, private
25 sources, and any other source wishing to transfer land for use
26 as a veterans cemetery. Notwithstanding section 8.33, any
27 moneys in the account for a state veterans cemetery shall not
28 revert and, notwithstanding section 12C.7, subsection 2,
29 interest or earnings on moneys deposited in the fund shall be
30 credited to the account.

31 10. Carry out the policies of the department.

32 Sec. 14. Section 35A.8, subsections 1 and 3, Code 2005,
33 are amended to read as follows:

34 1. The governor shall appoint an executive director,
35 subject to confirmation by the senate, who shall serve at the

1 pleasure of the governor. The executive director is
2 responsible for administering the duties of the department and
3 the commission other than those related to the Iowa veterans
4 home.

5 3. Except for the employment duties and responsibilities
6 assigned to the commandant for the Iowa veterans home, the
7 executive director shall employ such personnel as are
8 necessary for the performance of the duties and
9 responsibilities assigned to the department and the
10 commission. All employees shall be selected on a basis of
11 fitness for the work to be performed with due regard to
12 training and experience and shall be subject to the provisions
13 of chapter 8A, subchapter IV.

14 Sec. 15. Section 35A.9, subsections 1 and 2, Code 2005,
15 are amended to read as follows:

16 1. The executive director, commandant, and employees of
17 the commission department and the Iowa veterans home are
18 entitled to receive, in addition to salary, reimbursement for
19 actual expenses incurred while engaged in the performance of
20 official duties.

21 2. All out-of-state travel by commissioners, the executive
22 director, the commandant, or employees of the commission
23 department or the Iowa veterans home shall be approved by the
24 chairperson of the commission.

* 25 Sec. 16. Section 35B.5, Code 2005, is amended to read as
26 follows:

27 35B.5 COMPENSATION.

28 A member of the commission shall receive twenty-five
29 dollars or a greater amount as established by the board of
30 supervisors for each month during which the member attends one
31 or more commission meetings and shall be reimbursed for
32 mileage the same as a member of the board of supervisors.

33 Compensation and mileage shall be paid out of the
34 appropriation authorized in section 35B.14.

35 Sec. 17. Section 35B.6, subsection 1, paragraph b, Code

1 2005, is amended to read as follows:

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

16 Sec. 18. Section 35B.11, Code 2005, is amended to read as
17 follows:

18 35B.11 DATA FURNISHED STATE-COMMISSION IOWA DEPARTMENT OF
19 VETERANS AFFAIRS.

20 The commission of veteran affairs of each county shall
21 provide information to the state-commission department of
22 veterans affairs as the state-commission department may
23 request.

24 Sec. 19. Section 35B.19, Code 2005, is amended to read as
25 follows:

26 35B.19 BURIAL RECORDS.

27 The county commission of veteran affairs shall be charged
28 with securing the information requested by the commission
29 department of veterans affairs of every person having a
30 military service record and buried in that county. Such
31 information shall be secured from the undertaker in charge of
32 the burial and shall be transmitted by the undertaker to the
33 commission of veteran affairs of the county where burial is
34 made. This information shall be recorded alphabetically and
35 by description of location in the cemetery where the veteran

1 is buried. This recording shall conform to the directives of
2 the ~~state-commission~~ department of veterans affairs and shall
3 be kept in a book by the county commission.

* 4 Sec. 20. Section 36.1, subsection 3, Code 2005, is amended
5 to read as follows:

6 3. "Commission" means the commission of veterans affairs
7 established in section 35A.2.

8 Sec. 21. Section 36.1, Code 2005, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3A. "Department" means the department of
11 veterans affairs established in section 35A.4.

12 Sec. 22. Section 36.2, Code 2005, is amended to read as
13 follows:

14 36.2 CHEMICAL EXPOSURE REPORT TO COMMISSION DEPARTMENT.

15 A licensed physician, as defined in section 135.1,
16 subsection 4, who treats a veteran the physician believes may
17 have been exposed to chemicals while serving in the armed
18 forces of the United States shall submit a report indicating
19 that information to the commission department at the request
20 of the veteran pursuant to section 36.3.

21 Sec. 23. Section 36.3, Code 2005, is amended to read as
22 follows:

23 36.3 DUTIES OF THE COMMISSION DEPARTMENT.

24 The commission department shall:

25 1. Provide the forms for the reports required in section
26 36.2. The report form shall require the doctor to provide all
27 of the following:

28 a. Symptoms of the veteran which may be related to
29 exposure to chemicals.

30 b. Diagnosis of the veteran.

31 c. Methods of treatment prescribed.

32 2. Annually compile and evaluate the information submitted
33 in the reports pursuant to subsection 1, in consultation and
34 cooperation with a certified medical toxicologist selected by
35 the commission department. The commission department shall

1 submit the report to the governor, the general assembly, and
2 the United States veterans' administration. The report shall
3 include current research data on the effects of exposure to
4 chemicals, statistical information received from individual
5 physicians' reports, and statistical information from the
6 epidemiological investigations pursuant to subsection 3.

7 3. Conduct epidemiological investigations of veterans who
8 have cancer or other medical problems or who have children
9 born with birth defects associated with exposure to chemicals,
10 in consultation and cooperation with a certified medical
11 toxicologist selected by the commission department. The
12 commission department shall obtain consent from a veteran
13 before conducting the investigations.

14 The commission department shall cooperate with local and
15 state agencies during the course of an investigation.

16 Sec. 24. Section 36.4, unnumbered paragraph 1, Code 2005,
17 is amended to read as follows:

18 The commission department shall not identify a veteran
19 consenting to the epidemiological investigations pursuant to
20 section 36.3, subsection 3, unless the veteran consents to the
21 release of identity. The statistical information compiled by
22 the commission department pursuant to section 36.3 is a public
23 record.

24 Sec. 25. Section 36.6, unnumbered paragraph 1, Code 2005,
25 is amended to read as follows:

26 The commission department and appropriate medical
27 facilities at the state university of Iowa under the control
28 of the state board of regents shall institute a cooperative
29 program to:

30 Sec. 26. Section 36.7, Code 2005, is amended to read as
31 follows:

32 36.7 FEDERAL PROGRAM.

33 If the commission department or the general assembly
34 determines that an agency of the federal government or the
35 state of Iowa is providing the referral and genetic services

1 pursuant to section 36.6, the commission department or the
2 general assembly by specific action may discontinue all or
3 part of the services and requirements in this chapter.

4 Sec. 27. NEW SECTION. 135.20 HEPATITIS C AWARENESS
5 PROGRAM -- VETERANS -- VACCINATIONS.

6 1. The department shall establish and administer a
7 hepatitis C awareness program. The goal of the program shall
8 be to distribute information to veterans regarding the higher
9 incidence of hepatitis C exposure and infection among
10 veterans, the dangers presented by the disease, and contacts
11 for additional information and referrals. For purposes of
12 this section, "veteran" means an individual meeting the
13 definition contained in section 35.1.

14 2. The information to be distributed shall be determined
15 by the department by rule, in consultation with the commission
16 of veterans affairs. The information shall, at a minimum,
17 contain statements indicating that:

18 a. The federal department of veterans affairs estimates a
19 hepatitis C infection rate in veterans more than three times
20 higher than for the general population.

21 b. The infection rate for Vietnam veterans is estimated to
22 be even higher than for other veterans groups.

23 c. The disease is caused by a bloodborne virus readily
24 transmitted during combat and combat-related emergency medical
25 treatment.

26 d. Many veterans currently carrying the virus were
27 infected prior to the development of medical screening tests.

28 e. The hepatitis C virus often resolves into a chronic
29 infection without symptoms for ten to thirty years before
30 signs of resultant liver disease appear.

31 f. This unusually long latency period makes it difficult
32 to connect current symptoms with an infection that may have
33 actually been contracted during military service decades ago.

34 The information shall also present treatment options and
35 shall specify a procedure to be followed for veterans desiring

1 a medical consultation for screening and treatment purposes.
2 The department shall cooperate with the state commission of
3 veterans affairs regarding distribution of the information to
4 the veterans home, the county commissions of veteran affairs,
5 veterans hospitals, and other appropriate points of
6 distribution.

7 Sec. 28. Section 135C.31A, Code 2005, is amended to read
8 as follows:

9 135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM ELIGIBILITY.

10 Beginning July 1, 2003, a health care facility receiving
11 reimbursement through the medical assistance program under
12 chapter 249A shall assist the Iowa ~~commission~~ department of
13 veterans affairs in identifying, upon admission of a resident,
14 the resident's eligibility for benefits through the federal
15 department of veterans affairs. The health care facility
16 shall also assist the Iowa ~~commission~~ department of veterans
17 affairs in determining such eligibility for residents residing
18 in the facility on July 1, 2003. The department of
19 inspections and appeals, in cooperation with the department of
20 human services, shall adopt rules to administer this section,
21 including a provision that ensures that if a resident is
22 eligible for benefits through the federal department of
23 veterans affairs or other third-party payor, the payor of last
24 resort for reimbursement to the health care facility is the
25 medical assistance program. This section shall not apply to
26 the admission of an individual to a state mental health
27 institute for acute psychiatric care or to the admission of an
28 individual to the Iowa veterans home.

29 Sec. 29. Section 256.9, subsection 48, Code 2005, is
30 amended to read as follows:

31 48. Develop and administer, with the cooperation of the
32 ~~commission~~ department of veterans affairs, a program which
33 shall be known as operation recognition. The purpose of the
34 program is to award high school diplomas to veterans of World
35 War I, World War II, and the Korean and Vietnam conflicts who

1 left high school prior to graduation to enter United States
2 military service. The department of education and the
3 commission department of veterans affairs shall jointly
4 develop an application procedure, distribute applications, and
5 publicize the program to school districts, accredited
6 nonpublic schools, county commissions of veteran affairs,
7 veterans organizations, and state, regional, and local media.
8 All honorably discharged veterans who are residents or former
9 residents of the state; who served at any time between April
10 6, 1917, and November 11, 1918, at any time between September
11 16, 1940, and December 31, 1946, at any time between June 25,
12 1950, and January 31, 1955, or at any time between February
13 28, 1961, and May 5, 1975, all dates inclusive; and who did
14 not return to school and complete their education after the
15 war or conflict shall be eligible to receive a diploma.

16 Diplomas may be issued posthumously. Upon approval of an
17 application, the department shall issue an honorary high
18 school diploma for an eligible veteran. The diploma shall
19 indicate the veteran's school of attendance. The department
20 of education and the commission department of veterans affairs
21 shall work together to provide school districts, schools,
22 communities, and county commissions of veteran affairs with
23 information about hosting a diploma ceremony on or around
24 Veterans Day. The diploma shall be mailed to the veteran or,
25 if the veteran is deceased, to the veteran's family.

26 Sec. 30. Section 303.2, subsection 2, paragraph k, Code
27 2005, is amended to read as follows:

28 k. Administer, preserve, and interpret the battle flag
29 collection assembled by the state in consultation and
30 coordination with the commission department of veterans
31 affairs and the department of administrative services. A
32 portion of the battle flag collection shall be on display at
33 the state capitol and the state historical building at all
34 times, unless on loan approved by the department of cultural
35 affairs.

1 Sec. 31. Section 331.608, subsection 6, paragraph e, Code
2 2005, is amended to read as follows:

3 e. When otherwise required by a department or agency of
4 the federal or state government or a political subdivision.
5 The recorder shall make these records available to the
6 ~~commission~~ department of veterans affairs. The ~~commission~~
7 department of veterans affairs and its employees shall be
8 subject to the same state and federal confidentiality
9 restrictions and requirements that are imposed on the
10 recorder.

11 Sec. 32. Section 426A.13, unnumbered paragraphs 1 through
12 3, Code 2005, are amended to read as follows:

13 A person named in section 426A.11, who is a resident of and
14 domiciled in the state of Iowa, shall receive a reduction
15 equal to the exemption, to be made from any property owned by
16 the person or owned by a family farm corporation of which the
17 person is a shareholder and who occupies the property and so
18 designated by proceeding as provided in the section. To be
19 eligible to receive the exemption the person claiming it shall
20 have recorded in the office of the county recorder of the
21 county in which is located the property designated for the
22 exemption, evidence of property ownership by that person or
23 the family farm corporation of which the person is a
24 shareholder and the military certificate of satisfactory
25 service, order transferring to inactive status, reserve,
26 retirement, order of separation from service, honorable
27 discharge or a copy of any of these documents of the person
28 claiming or through whom is claimed the exemption. In the
29 case of a person claiming the exemption for currently serving
30 in the reserve forces of the United States or the Iowa
31 national guard, the person shall file the statement required
32 by section 35.2.

33 The person shall file with the appropriate assessor on
34 forms obtained from the assessor the claim for exemption for
35 the year for which the person is first claiming the exemption.

1 The claim shall be filed not later than July 1 of the year for
2 which the person is claiming the exemption. The claim shall
3 set out the fact that the person is a resident of and
4 domiciled in the state of Iowa, and a person within the terms
5 of section 426A.11, and shall give the volume and page on
6 which the certificate of satisfactory service, order of
7 separation, retirement, furlough to reserve, inactive status,
8 or honorable discharge or certified copy thereof is recorded
9 in the office of the county recorder, and may include the
10 designation of the property from which the exemption is to be
11 made, and shall further state that the claimant is the
12 equitable or legal owner of the property designated or if the
13 property is owned by a family farm corporation, that the
14 person is a shareholder of that corporation and that the
15 person occupies the property. In the case of a person
16 claiming the exemption for currently serving in the reserve
17 forces of the United States or the Iowa national guard, the
18 person shall file the statement required by section 35.2.

19 Upon the filing and allowance of the claim, the claim shall
20 be allowed to that person for successive years without further
21 filing. However, in the case of a person currently serving in
22 the reserve forces of the United States or the Iowa national
23 guard, such person shall file each year to be eligible to
24 obtain the exemption. Provided, that notwithstanding the
25 filing or having on file a claim for exemption, the person or
26 person's spouse is the legal or equitable owner of the
27 property on July 1 of the year for which the claim is allowed.
28 When the property is sold or transferred or the person wishes
29 to designate different property for the exemption, a person
30 who wishes to receive the exemption shall refile for the
31 exemption. A person who sells or transfers property which is
32 designated for the exemption or the personal representative of
33 a deceased person who owned such property shall provide
34 written notice to the assessor that the property is no longer
35 legally or equitably owned by the former claimant.

1 Sec. 33. Section 483A.24, subsection 13, Code 2005, is
2 amended to read as follows:

3 13. Upon payment of the fee of thirty dollars for a
4 lifetime hunting and fishing combined license, the department
5 shall issue a hunting and fishing combined license to a
6 resident of Iowa who is-a-veteran, as defined in section 35.17
7 served in the armed forces of the United States for a minimum
8 aggregate of ninety days of active federal service and who was
9 disabled or was a prisoner of war during that veteran's
10 military service. The department shall prepare an application
11 to be used by a person requesting a hunting and fishing
12 combined license under this subsection. The commission
13 department of veterans affairs shall assist the department in
14 verifying the status or claims of applicants under this
15 subsection. As used in this subsection, "disabled" means
16 entitled to compensation under the United States Code, Title
17 38, ch. 11.

18 Sec. 34. Section 669.2, subsection 4, unnumbered paragraph
19 1, Code 2005, is amended to read as follows:

20 "Employee of the state" includes any one or more officers,
21 agents, or employees of the state or any state agency,
22 including members of the general assembly, and persons acting
23 on behalf of the state or any state agency in any official
24 capacity, temporarily or permanently in the service of the
25 state of Iowa, whether with or without compensation, but does
26 not include a contractor doing business with the state.
27 Professional personnel, including physicians, osteopathic
28 physicians and surgeons, osteopathic physicians, optometrists,
29 dentists, nurses, physician assistants, and other medical
30 personnel, who render services to patients or inmates of state
31 institutions under the jurisdiction of the department of human
32 services or the Iowa department of corrections, and employees
33 of the commission department of veterans affairs, are to be
34 considered employees of the state, whether the personnel are
35 employed on a full-time basis or render services on a part-

1 time basis on a fee schedule or other arrangement. Criminal
2 defendants while performing unpaid community service ordered
3 by the district court, board of parole, or judicial district
4 department of correctional services, or an inmate providing
5 services pursuant to a chapter 28E agreement entered into
6 pursuant to section 904.703, and persons supervising those
7 inmates under and according to the terms of the chapter 28E
8 agreement, are to be considered employees of the state.

9 Sec. 35. 2003 Iowa Acts, chapter 179, section 21,
10 subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File
11 75, section 1, are amended to read as follows:

12 2. Of the funds appropriated in this section, \$10,000 is
13 transferred to the Iowa department of ~~public-health~~ human
14 services for allocation to community mental health centers to
15 provide counseling services to persons, whether or not
16 employed by the state, who are members of the national guard
17 or reservists and who are assigned to active duty service in
18 the armed forces of the United States and to the persons'
19 family members. The sessions shall be provided on a first
20 come, first served basis and shall be limited to three visits
21 per family.

22 5. The remainder of the funds appropriated in this section
23 are transferred to the Iowa finance authority to be used for a
24 home ownership assistance program for persons who are eligible
25 members of the armed forces of the United States. In the
26 event an eligible member is deceased, the surviving spouse of
27 the eligible member shall be eligible for a loan under the
28 program, subject to the surviving spouse meeting the program's
29 eligibility requirements other than the military service
30 requirement. For the purposes of this subsection, "eligible
31 member of the armed forces of the United States" means a
32 resident of this state who is or was a member of the national
33 guard, reserve, or regular component of the armed forces of
34 the United States who has served at least ninety days of
35 active duty service during the period beginning September 11,

1 2001, and ending June 30, 2006.

2 Sec. 36. VETERANS HEPATITIS C AWARENESS PROGRAM REPORT.

3 The Iowa department of public health shall submit a report to
4 the members of the general assembly by January 1, 2007,
5 regarding the development and distribution of the information
6 required by the section of this Act enacting section 135.20
7 and any resulting impact.

8 Sec. 37. STATE FUNDING. The military service tax credits
9 and exemptions provided pursuant to this Act shall be funded
10 pursuant to chapter 426A and section 25B.7, subsection 2.

11 Sec. 38. EFFECTIVE DATE. This Act, being deemed of
12 immediate importance, takes effect upon enactment.

13 Sec. 39. RETROACTIVE APPLICABILITY. The section of this
14 Act amending 2003 Iowa Acts, chapter 179, is retroactively
15 applicable to May 17, 2004.

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