

**House File 2371 - Introduced**

HOUSE FILE 2371  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HSB 642)

**A BILL FOR**

1 An Act relating to county commissions of veteran affairs.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35B.6, subsection 1, paragraphs a and c,  
2 Code 2011, are amended to read as follows:

3 a. The members of the commission shall qualify by taking the  
4 usual oath of office, ~~and give bond in the sum of five hundred~~  
5 ~~dollars each, conditioned for the faithful discharge of their~~  
6 ~~duties with sureties to be approved by the county auditor.~~ The  
7 commission shall organize by the selection of one of their  
8 members as chairperson and one as secretary. The commission,  
9 subject to the approval of the board of supervisors, shall  
10 employ an executive director or administrator and shall have  
11 the power to employ other necessary employees when needed,  
12 including administrative or clerical assistants, but no member  
13 of the commission shall be so employed. ~~The compensation of~~  
14 ~~such employees shall be fixed by the board of supervisors.~~

15 The state department of veterans affairs shall recognize the  
16 executive director or administrator as a county veterans  
17 service officer recognized pursuant to 38 C.F.R. § 14.628(c)  
18 for the purposes of assisting veterans and their dependents in  
19 obtaining federal benefits. The commission shall recommend the  
20 annual compensation of the executive director or administrator  
21 to the board of supervisors. The board of supervisors shall  
22 consider the recommendation and shall determine and approve the  
23 annual compensation of the executive director or administrator.

24 The executive director must possess the same qualifications as  
25 provided in section 35B.3 for commission members. However,  
26 this qualification requirement shall not apply to a person  
27 employed as an executive director prior to July 1, 1989.

28 c. Upon the employment of an executive director or  
29 administrator, the executive director or administrator shall  
30 complete a course of certification training provided by the  
31 department of veterans affairs pursuant to section 35A.5.  
32 If an executive director or administrator fails to obtain  
33 certification within one year of being employed, the executive  
34 director or administrator shall be removed from office. A  
35 ~~commissioner or other~~ commission employee may also complete

1 the course of certification training. The department shall  
2 issue the executive director, administrator, ~~commissioner~~, or  
3 employee a certificate of training after completion of the  
4 certification training course. To maintain certification, the  
5 executive director, administrator, ~~commissioner~~, or employee  
6 shall satisfy the continuing education requirements established  
7 by the national association of county ~~veteran~~ veterans service  
8 officers. Failure of an executive director or administrator  
9 to maintain certification shall be cause for removal from  
10 office. The expenses of training the executive director or  
11 administrator shall be paid from the appropriation authorized  
12 in section 35B.14.

13 Sec. 2. Section 35B.6, subsection 1, paragraph d, Code 2011,  
14 is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (3) Complete and submit all forms  
16 required for federal, state, and county benefits.

17 Sec. 3. Section 35B.6, subsection 2, Code 2011, is amended  
18 to read as follows:

19 2. a. Two or more boards of supervisors may agree,  
20 pursuant to chapter 28E, to share the services of an executive  
21 director or administrator. The agreement shall provide for the  
22 establishment of a commission of veteran affairs office in each  
23 of the counties participating in the agreement.

24 b. It shall be unlawful for any county board of supervisors  
25 or any county commission of veteran affairs to place the  
26 administration of the duties of the county commission of  
27 veteran affairs under any other agency of any county, or to  
28 publish the names of the veterans or their families who receive  
29 benefits under the provisions of this chapter.

30 Sec. 4. Section 35B.6, subsection 3, Code 2011, is amended  
31 by striking the subsection.

32 Sec. 5. Section 35B.6, subsection 4, paragraph a, Code 2011,  
33 is amended to read as follows:

34 a. Each county commission of veteran affairs shall maintain  
35 an office in a public building owned, operated, or leased by

1 the county.

2 Sec. 6. Section 35B.7, Code 2011, is amended to read as  
3 follows:

4 **35B.7 Meetings — report — budget.**

5 The commission shall meet monthly and at other times as  
6 necessary. At the monthly meeting it shall determine who are  
7 entitled to county benefits and the probable amount required to  
8 be expended. The commission shall meet annually to prepare an  
9 estimated budget for all expenditures to be made in the next  
10 fiscal year and certify the budget to the board of supervisors.  
11 The board may approve or reduce the budget for valid reasons  
12 shown and entered of record and the board's decision is final.

13 Sec. 7. Section 35B.10, Code 2011, is amended to read as  
14 follows:

15 **35B.10 Disbursements — inspection of records.**

16 1. All claims certified by the commission shall be reviewed  
17 by the board of supervisors and the county auditor shall  
18 issue warrants in payment of the claims. All applications,  
19 investigation reports, and case records are privileged  
20 communications and ~~shall be held~~ confidential, subject to use  
21 and inspection only by persons authorized by law in connection  
22 with their official duties relating to financial audits and the  
23 administration of this chapter or as authorized by order of  
24 a district court. ~~However, the county commission of veteran~~  
25 ~~affairs shall prepare and file in the office of the county~~  
26 ~~auditor on or before the thirtieth day of each January, April,~~  
27 ~~July, and October a report showing the case numbers of all~~  
28 ~~recipients receiving assistance under this chapter, together~~  
29 ~~with the amount paid to each during the preceding quarter.~~  
30 ~~Each report so filed shall be securely fixed in a record book~~  
31 ~~to be used only for such reports made under this chapter. A~~  
32 person may sign a release to authorize the examination of that  
33 person's applications, reports, or records.

34 ~~The record book shall be and the same is hereby declared~~  
35 ~~to be a public record, open to public inspection at all times~~

~~1 during the regular office hours of the county auditor. Each  
2 person who desires to examine said records, other than in  
3 pursuance of official duties as hereinbefore provided, shall  
4 sign a written request to examine the same, which shall contain  
5 an agreement on the part of the signer that the signer will  
6 not utilize any information gained therefrom for commercial or  
7 political purposes.~~

8 2. It shall be unlawful for any person, body, association,  
9 firm, corporation or any other agency to solicit, disclose,  
10 receive, make use of or to authorize, knowingly permit,  
11 participate in or acquiesce in the use of any lists, names or  
12 other information obtained from the reports above provided for,  
13 for commercial or political purposes, and a violation of this  
14 provision shall constitute a serious misdemeanor.

15 Sec. 8. Section 35B.14, Code 2011, is amended by adding the  
16 following new subsections:

17 NEW SUBSECTION. 3. The commission is responsible for  
18 the interment in a suitable cemetery of the body of any  
19 veteran, as defined in section 35.1, or the spouse, surviving  
20 spouse, or child of the person, if the person has died without  
21 leaving sufficient means to defray the funeral expenses. The  
22 commission may pay the expenses in a sum not exceeding an  
23 amount established by the board of supervisors.

24 NEW SUBSECTION. 4. Burial expenses shall be paid by the  
25 county in which the person died. If the person is a resident  
26 of a different county at the time of death, the county of  
27 residence shall reimburse the county where the person died for  
28 the cost of burial. In either case, the board of supervisors  
29 of the respective counties shall audit and pay the account from  
30 the funds provided for in this chapter in the manner as other  
31 claims are audited and paid.

32 Sec. 9. Section 35B.16, Code 2011, is amended to read as  
33 follows:

34 **35B.16 Markers for graves.**

35 The county commission of veteran affairs may furnish a

1 suitable and appropriate ~~metal~~ marker for the grave of each  
2 veteran, as defined in section 35.1, who is buried within  
3 the limits of the county. The marker shall be placed at the  
4 individual's grave to permanently mark and designate the grave  
5 for memorial purposes. The expenses shall be paid from any  
6 funds raised as provided in this chapter.

7 Sec. 10. Section 35B.17, Code 2011, is amended to read as  
8 follows:

9 **35B.17 Maintenance of graves.**

10 1. The county boards of supervisors shall each year  
11 appropriate and pay to the owners of, or to the public board or  
12 officers having control of cemeteries within the state in which  
13 any such deceased service person is buried, a sum sufficient  
14 to pay for the care and maintenance of the lots on which they  
15 are buried in all cases in which provision for such care is  
16 not otherwise made, or may conclude their responsibility by  
17 paying a mutually agreed to fee for perpetual care when the  
18 cemetery authority has established a perpetual care fund for  
19 the cemetery, to be paid either as a lump sum, or in not to  
20 exceed five installments in a manner agreed to by the parties.

21 2. Payment under subsection 1 shall be made at the rate  
22 charged for like care and maintenance of other lots of  
23 similar size in the same cemetery, upon the affidavit of the  
24 superintendent or other person in charge of such cemetery, that  
25 the same has not been otherwise paid or provided for.

26 Sec. 11. Section 35B.19, Code 2011, is amended to read as  
27 follows:

28 **35B.19 Burial records.**

29 ~~The county commission of veteran affairs~~ executive director  
30 or administrator shall be charged with securing the information  
31 requested by the department of veterans affairs of every person  
32 having a military service record and buried in ~~that~~ the county.  
33 Such information shall be secured from the undertaker in charge  
34 of the burial or cremation and shall be transmitted by the  
35 undertaker to the ~~commission of~~ county veteran affairs office

1 of the county where burial or disposition of cremated remains  
2 is made. This information shall be recorded alphabetically and  
3 by description of location in the cemetery where the veteran is  
4 buried or the place of disposition of the cremated remains of  
5 the veteran. This recording shall conform to the directives of  
6 the department of veterans affairs and shall be kept in a book  
7 by the ~~county commission~~ executive director or administrator.

8 Sec. 12. Section 64.11, Code 2011, is amended to read as  
9 follows:

10 **64.11 Expense of bonds paid by county.**

11 If a county treasurer, county attorney, recorder, auditor,  
12 sheriff, medical examiner, ~~member of the veterans affairs~~  
13 ~~commission~~, member of the board of supervisors, engineer,  
14 steward, or matron elects to furnish a bond with an association  
15 or incorporation as surety as provided in this chapter, the  
16 reasonable cost of the bond shall be paid by the county where  
17 the bond is filed.

18 Sec. 13. Section 331.381, subsection 6, Code 2011, is  
19 amended to read as follows:

20 6. Audit and pay the burial expense for indigent veterans,  
21 as provided in section ~~35B.15~~ 35B.14, subsection 4.

22 Sec. 14. Section 331.502, subsections 14 and 15, Code 2011,  
23 are amended by striking the subsections.

24 Sec. 15. Section 331.508, subsection 5, Code 2011, is  
25 amended by striking the subsection.

26 Sec. 16. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,  
27 35B.15, and 35B.18, Code 2011, are repealed.

28 EXPLANATION

29 This bill relates to the duties and responsibilities of the  
30 county commissions of veteran affairs.

31 The bill removes a requirement that members of the  
32 commission give a bond of \$500 and makes conforming changes to  
33 Code sections 64.11 and 331.502.

34 The bill requires that the state department of veterans  
35 affairs shall recognize the executive director or administrator

1 as a county veterans service officer recognized by the federal  
2 secretary of veterans affairs for purposes of assisting  
3 veterans and their dependents in obtaining federal benefits.  
4 The bill requires that the annual compensation of an executive  
5 director or administrator be recommended by the county  
6 commission to the county board of supervisors which shall  
7 determine and approve the compensation. Current law requires  
8 that the county board of supervisors fix the compensation for  
9 the executive director or administrator and other necessary  
10 employees.

11 The bill strikes language allowing a county commissioner to  
12 complete a course of certification training provided by the  
13 department of veterans affairs.

14 The bill requires that the duties of the executive director,  
15 administrator, and employees shall include the submission of  
16 all forms required for federal, state, and county benefits.  
17 The bill also removes language requiring a commission to  
18 appoint a deputy county auditor as an administrative assistant  
19 to the commission, and requires that a commission office be  
20 located in a public building. The bill also specifies that  
21 the commission shall only need to determine eligibility of  
22 individuals for county benefits at monthly meetings of the  
23 commission and removes requirements that the commission submit  
24 certain information to the board of supervisors.

25 The bill removes certain reporting, recording, accounting  
26 system, and filing requirements and makes certain conforming  
27 amendments to Code sections 331.502 and 331.508. The bill  
28 permits the examination of an individual's applications,  
29 reports, and records only upon the individual's authorization.

30 The bill also makes certain changes to provisions related to  
31 the provision of grave markers for veterans and the filing and  
32 maintenance of certain burial records.

33 The bill repeals Code section 35B.12, relating to  
34 confidentiality of benefit information, but the substance  
35 of the Code section is transferred to Code section 35B.6,



1 subsection 2.

2     The bill repeals Code section 35B.13, relating to burial  
3 expenses, but the substance of the Code section is transferred  
4 to Code section 35B.14, subsection 3.

5     The bill repeals Code section 35B.15, relating to audit  
6 and payment of burial expenses, but the substance of the Code  
7 section is transferred to Code section 35B.14, subsection 4.

8     The bill repeals Code section 35B.18, relating to care  
9 and maintenance of gravesites, but the substance of the Code  
10 section is transferred to Code section 35B.17, subsection 2.