

Senate File 2038 - Introduced

SENATE FILE 2038
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3010)

A BILL FOR

1 An Act relating to the duties and requirements of the
2 department of veterans affairs and the commission of
3 veterans affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35A.2, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The commissioners are entitled
4 to receive reimbursement for actual expenses incurred while
5 engaged in the performance of official duties. Each member of
6 the commission may also be eligible to receive compensation as
7 provided in section 7E.6.

8 *b.* The executive director, commandant, and employees of the
9 department and the Iowa veterans home are entitled to receive,
10 in addition to salary, reimbursement for actual expenses
11 incurred while engaged in the performance of official duties.

12 *c.* All out-of-state travel by commissioners shall be
13 approved by the chairperson of the commission.

14 Sec. 2. Section 35A.5, subsection 4, Code Supplement 2011,
15 is amended to read as follows:

16 4. Permanently maintain the records including certified
17 records of bonus applications for awards paid ~~from the war~~
18 ~~orphans educational fund under chapter 35.~~

19 Sec. 3. Section 35A.5, subsection 5, Code Supplement 2011,
20 is amended by striking the subsection and inserting in lieu
21 thereof the following:

22 5. *a.* Coordinate with United States department of veterans
23 affairs hospitals, health care facilities, and clinics in this
24 state and the department of public health to provide assistance
25 to veterans and their families to reduce the incidence of
26 alcohol and chemical dependency and suicide among veterans and
27 to make mental health counseling available to veterans.

28 *b.* The assistance program shall include but not be limited
29 to the following:

30 (1) Public education and awareness programs for veterans,
31 health care professionals, and the public, relative to the
32 needs of veterans.

33 (2) Referral services to identify appropriate counseling
34 and treatment programs for veterans in need of services.

35 *c.* Any assistance program established pursuant to this

1 subsection shall be implemented in a manner that does not
2 duplicate other services readily available to veterans.

3 Sec. 4. Section 35A.5, subsection 6, Code Supplement 2011,
4 is amended to read as follows:

5 6. Conduct ~~two~~ one service ~~schools~~ school each year for
6 ~~the Iowa association of~~ county commissioners and executive
7 ~~directors~~ one service school for executive directors and
8 administrators. The service school for executive directors
9 and administrators shall provide at least sixteen continuing
10 education units.

11 Sec. 5. Section 35A.8, subsections 4 and 5, Code 2011, are
12 amended by striking the subsections.

13 Sec. 6. Section 35A.16, subsection 4, Code 2011, is amended
14 to read as follows:

15 4. A county commission of veteran affairs training program
16 account shall be established within the county commissions
17 of veteran affairs fund. Any moneys remaining in the fund
18 after the allocations under subsection 3 shall be credited
19 to the account and used by the department to fund the county
20 commission of veteran affairs training program under section
21 35A.17 and training for department personnel.

22 Sec. 7. NEW SECTION. 35A.19 **War orphans educational**
23 **assistance fund.**

24 A war orphans educational assistance fund is created as a
25 separate fund in the state treasury under the control of the
26 department of veterans affairs. Any money appropriated for
27 the purpose of assisting in the education of orphaned children
28 of veterans, as defined in section 35.1, or the education of
29 a child as provided in section 35A.20, subsection 2, shall
30 be deposited in the war orphans educational assistance fund.
31 Notwithstanding section 8.33, any unexpended or unencumbered
32 moneys remaining in the fund at the end of the fiscal year
33 shall not revert, but shall remain available for expenditure
34 for purposes of this section in succeeding fiscal years.

35 Sec. 8. NEW SECTION. 35A.20 **Expenditure by department.**

1 1. *a.* The department may expend not more than six hundred
2 dollars per year for any one child who has lived in the state of
3 Iowa for two years preceding application for state educational
4 assistance, and who is the child of a person who died prior
5 to September 11, 2001, during active federal military service
6 while serving in the armed forces or during active federal
7 military service in the Iowa national guard or other military
8 component of the United States, to defray the expenses of
9 tuition, matriculation, laboratory and similar fees, books and
10 supplies, board, lodging, and any other reasonably necessary
11 expense for the child or children incident to attendance in
12 this state at an educational or training institution of college
13 grade, or in a business or vocational training school with
14 standards approved by the department.

15 *b.* A child eligible to receive funds under this section
16 shall not receive more than three thousand dollars under this
17 subsection during the child's lifetime.

18 2. *a.* Upon application by a child who is less than
19 thirty-one years of age, and who is the child of a person who
20 died on or after September 11, 2001, during active federal
21 military service while serving in the armed forces or during
22 active federal military service in the Iowa national guard
23 or other military component of the United States, and who
24 at the time of entering into active military service had
25 maintained the person's residence in the state for a period
26 of at least six months immediately before entering into
27 active military service, the department shall provide state
28 educational assistance in an amount of no more than the highest
29 resident undergraduate tuition rate established per year for
30 an institution of higher learning under the control of the
31 state board of regents less the amount of any state and federal
32 education benefits, grants, or scholarships received by the
33 child, or the amount of the child's established financial need,
34 whichever is less, to defray the expenses of tuition at any
35 postsecondary educational institution in this state.

1 *b.* A child eligible to receive state educational assistance
2 under this subsection shall begin postsecondary education prior
3 to reaching age twenty-six, shall not receive more than an
4 amount equal to five times the highest resident undergraduate
5 tuition rate established per year for an institution of higher
6 learning under the control of the state board of regents
7 during the child's lifetime, and shall, to remain eligible
8 for assistance, meet the academic progress standards of the
9 postsecondary educational institution. Payments for state
10 educational assistance for a child under this subsection
11 shall be made to the applicable postsecondary educational
12 institution. The college student aid commission may, if
13 requested, assist the department in administering this
14 subsection.

15 Sec. 9. NEW SECTION. **35A.21 Eligibility and payment of**
16 **assistance.**

17 Eligibility for assistance shall be determined upon
18 application to the department of veterans affairs, whose
19 decision is final. The eligibility of eligible applicants
20 shall be certified by the department of veterans affairs to
21 the director of the department of administrative services,
22 and all amounts that are or become due an individual or a
23 training institution under this chapter shall be paid to the
24 individual or institution by the director of the department
25 of administrative services upon receipt by the director
26 of certification by the president or governing board of
27 the educational or training institution as to accuracy of
28 charges made, and as to the attendance of the individual at
29 the educational or training institution. The department of
30 veterans affairs may pay over the annual sum set forth in
31 section 35A.20 to the educational or training institution in
32 a lump sum, or in installments as the circumstances warrant,
33 upon receiving from the institution such written undertaking as
34 the department may require to assure the use of funds for the
35 child for the authorized purposes and for no other purpose. A

1 person is not eligible for the benefits of this chapter until
2 the person has graduated from a high school or educational
3 institution offering a course of training equivalent to high
4 school training.

5 Sec. 10. NEW SECTION. **35A.22 Expenses chargeable to fund.**

6 Any expense incurred in carrying out the provisions of
7 sections 35A.19 through 35A.21 shall be chargeable to the war
8 orphans educational assistance fund.

9 Sec. 11. Section 35D.14, Code 2011, is amended to read as
10 follows:

11 **35D.14 Personnel — expenses — compensation.**

12 1. The commandant or the commandant's designee shall employ
13 such personnel as are necessary for the performance of the
14 duties and responsibilities assigned to the commandant. All
15 employees shall be selected on a basis of fitness for the work
16 to be performed with due regard to training and experience and
17 shall be subject to the provisions of chapter 8A, subchapter
18 IV.

19 2. The commandant and employees of the Iowa veterans home
20 are entitled to receive, in addition to salary, reimbursement
21 for actual expenses incurred while engaged in the performance
22 of official duties pursuant to section ~~35A.9~~ 35A.2, subsection
23 3.

24 Sec. 12. Section 422.7, subsection 51, Code Supplement
25 2011, is amended by striking the subsection.

26 Sec. 13. REPEAL. Sections 35.8, 35.9, 35.10, 35.11, and
27 35.12, Code 2011, are repealed.

28 Sec. 14. REPEAL. Section 35A.9, Code 2011, is repealed.

29 EXPLANATION

30 This bill relates to the department of veterans affairs and
31 the commission of veterans affairs.

32 The bill repeals Code section 35A.9, relating to expenses
33 and compensation, but the substance of the Code section
34 is transferred to Code section 35A.2, subsection 3, and
35 is amended to require that only out-of-state travel by

1 commissioners be approved by the chairperson of the commission
2 of veterans affairs. Current law requires that the chairperson
3 approve out-of-state travel by the executive director of
4 the department, the state commandant, and employees of the
5 department of veterans affairs or the Iowa veterans home.

6 The bill repeals Code section 35.12, related to the veterans
7 counseling program, but the substance of the Code section is
8 transferred to Code section 35A.5, subsection 5.

9 In regard to the duties of the department, the bill
10 strikes language requiring that the department collect and
11 maintain information concerning veterans affairs. The bill
12 also requires that the department conduct one service school
13 each year specifically for commissioners of the county
14 commissions of veteran affairs and one service school each year
15 specifically for executive directors and administrators of the
16 county commissions of veteran affairs. The bill requires that
17 the service school for executive directors and administrators
18 provide at least 16 hours of continuing education. Current
19 law requires that the department conduct two service schools
20 for these groups annually, but does not specify that they be
21 completed separately for the different groups. The bill also
22 allows certain moneys in the county commissions of veteran
23 affairs fund to be used by the department for the training of
24 department personnel.

25 The bill strikes language requiring the executive director
26 of the department to provide for the administration of bonus
27 funds for certain merchant marines veterans who served between
28 1941 and 1946 and for certain Vietnam war veterans. The
29 bill also strikes language which created these funds and
30 language which required the department to adopt rules for their
31 administration. The bill also strikes Code section 422.7,
32 subsection 51, which exempted moneys received from the Vietnam
33 Conflict veterans bonus from individual income taxation by the
34 state.

35 The bill repeals Code section 35.8, related to the war

1 orphans educational assistance fund, but the substance of the
2 Code section is transferred to new Code section 35A.19.

3 The bill repeals Code section 35.9, related to expenditures
4 by the department of veterans affairs for certain educational
5 assistance, but the substance of the Code section is
6 transferred to new Code section 35A.20.

7 The bill repeals Code section 35.10, related to eligibility
8 requirements and the payment of educational assistance, but
9 the substance of the Code section is transferred to new Code
10 section 35A.21.

11 The bill repeals Code section 35.11, related to expenses
12 chargeable to the fund, but the substance of the Code section
13 is transferred to new Code section 35A.22.