

Senate File 398 - Introduced

SENATE FILE 398
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 1173)

A BILL FOR

1 An Act creating a post-Vietnam Conflict veterans' bonus fund,
2 providing penalties, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35A.8, subsection 5, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* A post-Vietnam Conflict veterans' bonus
4 fund is created in the state treasury. The post-Vietnam
5 Conflict veterans' bonus fund shall consist of all moneys
6 appropriated to the fund to pay the bonus compensation
7 authorized in section 35A.8B. On July 1, 2011, all funds
8 remaining in the Vietnam Conflict veterans' bonus fund
9 created in paragraph "f" are appropriated to the post-Vietnam
10 Conflict veterans' bonus fund created in this paragraph.
11 Notwithstanding section 12C.7, interest or earnings on
12 investments or time deposits of the moneys in the post-Vietnam
13 Conflict veterans' bonus fund shall be credited to the bonus
14 fund. Section 8.33 does not apply to moneys appropriated to
15 the post-Vietnam Conflict veterans' bonus fund.

16 Sec. 2. NEW SECTION. **35A.8B Post-Vietnam Conflict veterans'**
17 **bonus — limited residency requirement — appropriation.**

18 1. *a.* A person who served on active duty for not less
19 than one hundred twenty days in the armed forces of the United
20 States at any time between August 24, 1982, and July 31, 1984,
21 both dates inclusive, between December 20, 1989, and January
22 31, 1990, both dates inclusive, or between August 2, 1990,
23 and February 28, 1991, both dates inclusive, and who was
24 inducted into active duty service from the state of Iowa and
25 was honorably discharged or separated from active duty service,
26 or is still in active service in an honorable status, or has
27 been retired, or has been furloughed to a reserve, or has been
28 placed on inactive status is entitled to receive from moneys
29 appropriated for that purpose the sum of seventeen dollars and
30 fifty cents for each month that the person was on active duty
31 service in a conflict service area, within the dates specified
32 in this paragraph. Compensation under this paragraph shall not
33 exceed a total sum of five hundred dollars. Compensation for a
34 fraction of a month shall not be considered unless the fraction
35 is sixteen days or more, in which case the fraction shall be

1 computed as a full month.

2 *b.* A person otherwise qualified under paragraph "a" except
3 that the person was on active duty service but was not present
4 in a conflict service area is entitled to receive from moneys
5 appropriated for that purpose the sum of twelve dollars and
6 fifty cents for each month that the person was on active
7 duty service, within the dates specified in paragraph "a".
8 Compensation under this paragraph shall not exceed a total sum
9 of three hundred dollars. Compensation for a fraction of a
10 month shall not be considered unless the fraction is sixteen
11 days or more, in which case the fraction shall be computed as
12 a full month.

13 *c.* The department shall adopt rules pursuant to chapter 17A
14 providing for the definition of a conflict service area.

15 2. A person otherwise eligible to receive compensation
16 pursuant to subsection 1 shall be entitled to compensation
17 pursuant to this section if all of the following requirements
18 are met:

19 *a.* The person has not received a bonus or compensation
20 similar to that provided in this section from this state or
21 another state.

22 *b.* The person was on active duty service after August
23 24, 1982, and the person did not refuse on conscientious,
24 political, religious, or other grounds, to be subject to
25 military discipline.

26 *c.* The person made application for a bonus or compensation
27 similar to that provided in this section from this state
28 and was denied compensation because the person did not meet
29 applicable residency requirements.

30 *d.* The person files an application for compensation under
31 this section in a manner determined by the department of
32 veterans affairs.

33 3. The surviving unremarried widow or widower, child or
34 children, mother, father, or person standing in loco parentis,
35 in the order named and none other, of any deceased person shall

1 be paid the compensation that the deceased person would be
2 entitled to pursuant to this section, if living. However,
3 if any person has died or shall die, or is disabled, from
4 service-connected causes incurred during the period and in the
5 area from which the person is entitled to receive compensation
6 pursuant to this section, the person or the first survivor as
7 designated by this subsection, and in the order named, shall be
8 paid five hundred dollars or three hundred dollars, whichever
9 maximum amount would have applied pursuant to subsection 1,
10 paragraph "a" or "b", regardless of the length of service.

11 4. A person who knowingly makes a false statement relating
12 to a material fact in supporting an application under this
13 section is guilty of a serious misdemeanor. A person convicted
14 pursuant to this section shall forfeit all benefits to which
15 the person may have been entitled under this section.

16 5. All payments and allowances made under this section shall
17 be exempt from taxation, levy, and sale on execution.

18 6. The bonus compensation authorized under this section
19 shall be paid from moneys appropriated for post-Vietnam
20 Conflict veterans' bonuses.

21 7. The director of the department of veterans affairs shall
22 provide for the administration of the bonus authorized in this
23 section. The department shall adopt rules, pursuant to chapter
24 17A, as necessary to administer this section including but not
25 limited to application procedures, investigation, approval or
26 disapproval, and payment of claims. The department may expend
27 up to one percent of the moneys appropriated for the bonus
28 compensation authorized under this section for administrative
29 costs associated with the requirements of this section.

30 Sec. 3. Section 422.7, Code 2011, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 54. Subtract, to the extent included, the
33 amount of any post-Vietnam Conflict veterans bonus provided
34 pursuant to section 35A.8, subsection 5, and section 35A.8B.

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EXPLANATION

1 This bill provides for the creation of a veterans' bonus
2 fund within the state treasury for the provision of bonuses to
3 veterans of the United States military who served during the
4 period of certain conflicts.

5 The bonus fund would be available to certain members of the
6 United States armed forces who served in active duty during
7 the military conflicts in Lebanon, Granada, Panama, and the
8 Persian Gulf. The bill provides certain dates for the periods
9 of these conflicts. The bill provides that veterans who served
10 in conflict service areas during these periods will receive
11 a larger bonus for their service than veterans who did not
12 serve in a conflict service area. The bill provides for the
13 computation of such payments based upon months of service
14 either in or outside of a conflict service area. A person who
15 served in a conflict service area will not receive more than a
16 \$500 bonus and a person who did not serve in a conflict service
17 area will not receive more than a \$300 bonus from the fund.

18 The bill requires that a veteran must meet additional
19 requirements to qualify for a bonus. The person must not have
20 received a similar bonus from this state or any other state.
21 The person must not have refused to be subject to military
22 discipline on certain grounds. The person must have applied
23 for a similar bonus and been denied compensation because the
24 person did not meet residency requirements. The bill also
25 requires that the person file an application for the bonus from
26 this fund in order to qualify.

27 Certain other persons including a surviving unremarried
28 widow or widower, child or children, mother, father, or person
29 standing in loco parentis of any deceased person shall be paid
30 the compensation that the deceased person would have been
31 entitled to. Payments for such compensation may be made to the
32 first survivor in the order named and none other. The bill
33 provides that upon certain service-related death or disability
34 that the veteran or first survivor will be paid the highest
35 possible contribution permitted to that individual allowed by

1 the fund.

2 The bill provides that knowingly making a false statement
3 of material fact supporting an application to receive these
4 funds is a serious misdemeanor. The bill also provides that a
5 conviction on such a charge would result in forfeiture of any
6 rights to collect from the fund.

7 Moneys received from the fund are exempt from taxation,
8 levy, and sale on execution. The director of the department of
9 veterans affairs is to administer the fund and adopt rules as
10 necessary for the fund's administration.