

**House File 169 - Introduced**

HOUSE FILE 169

BY KRESSIG

**A BILL FOR**

1 An Act relating to the removal of county veteran service  
2 officers.

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

1 Section 1. Section 35B.6, subsection 1, Code 2019, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Oe.* An executive director or administrator  
4 who fails to adequately execute the duties listed in section  
5 35B.6(1)(d) is subject to removal by the county board of  
6 supervisors for cause upon stated charges in writing and after  
7 a hearing upon due notice. The removal procedures of section  
8 35C.6 shall not apply to the removal of an executive director  
9 or administrator pursuant to this paragraph.

10 Sec. 2. Section 35C.6, Code 2019, is amended to read as  
11 follows:

12 **35C.6 Removal — certiorari — judicial review.**

13 ~~No~~ Unless otherwise provided by law, no person holding a  
14 public position by appointment or employment, and belonging to  
15 any of the classes of persons to whom a preference is granted  
16 under [this chapter](#), shall be removed from such position or  
17 employment except for incompetency or misconduct shown after  
18 a hearing, upon due notice, upon stated charges, and with the  
19 right of such employee or appointee to a review by a writ of  
20 certiorari or at such person's election, to judicial review in  
21 accordance with the terms of the Iowa administrative procedure  
22 Act, [chapter 17A](#), if that is otherwise applicable to their  
23 case.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 Code section 35B.6(1)(a) provides that an executive director  
28 or administrator (recognized as a county veterans service  
29 officer) shall be employed by the county commission of veteran  
30 affairs. The duties of a county veterans service officer are  
31 listed under Code section 35B.6(1)(d). This bill allows for  
32 the removal of a county veteran services officer who fails  
33 to adequately execute their duties by the county board of  
34 supervisors for cause upon stated charges in writing and after  
35 a hearing upon due notice.

1 The bill also provides that the removal procedures of Code  
2 section 35C.6 shall not apply to the removal of a veteran  
3 services officer who is removed pursuant to Code section  
4 35B.6(1)(0e). Code section 35C.6 provides that a person  
5 holding a public position by appointment or employment and  
6 belonging to a class of persons to whom a preference is granted  
7 shall only be removed from such position for incompetency or  
8 misconduct shown after a hearing, upon due notice, upon stated  
9 charges, and with the right to review by a writ of certiorari  
10 or judicial review in accordance with the Iowa administrative  
11 procedures Act. Code section 35C.6 is amended such that its  
12 removal procedures do not apply if otherwise provided by law.