

Senate File 236 - Introduced

SENATE FILE 236

BY SALMON

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of veterans affairs, including county commissions of veteran
3 affairs and cemetery expenditures.

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

1 Section 1. Section 35.1, subsection 2, Code 2023, is amended
2 by striking the subsection and inserting in lieu thereof the
3 following:

4 2. "Veteran" means a resident of this state who is any of
5 the following:

6 a. A veteran as defined in 38 C.F.R. §3.1, as amended.

7 b. A former member of the reserve forces of the United
8 States who served at least twenty years in the reserve forces
9 and who was discharged under honorable conditions. However,
10 a member of the reserve forces of the United States who
11 completed a minimum aggregate of ninety days of federal active
12 duty, other than training, and was discharged under honorable
13 conditions, or was retired under Tit. 10 of the United States
14 Code shall be included as a veteran.

15 c. A former member of the Iowa national guard who served
16 at least twenty years in the Iowa national guard and who was
17 discharged under honorable conditions. However, a member of
18 the Iowa national guard who was activated for federal duty,
19 other than training, for a minimum aggregate of ninety days,
20 and was discharged under honorable conditions or was retired
21 under Tit. 10 of the United States Code shall be included as a
22 veteran.

23 d. A member of the reserve forces of the United States who
24 has served at least twenty years in the reserve forces and who
25 continues to serve in the reserve forces.

26 e. A member of the Iowa national guard who has served at
27 least twenty years in the Iowa national guard and who continues
28 to serve in the Iowa national guard.

29 Sec. 2. Section 35.2, unnumbered paragraph 1, Code 2023, is
30 amended to read as follows:

31 In order to fulfill any eligibility requirements under
32 Iowa law pertaining to veteran status, a veteran described in
33 section 35.1, subsection 2, paragraph ~~"b"~~, subparagraph ~~(6)~~ or
34 ~~(7)~~ "d" or "e", shall submit the veteran's retirement points
35 accounting statement issued by the armed forces of the United

1 States, the state adjutant general, or the adjutant general
2 of any other state, to confirm that the person has completed
3 twenty years of service with the reserve forces or the national
4 guard.

5 Sec. 3. Section 35A.3, subsection 7, Code 2023, is amended
6 by striking the subsection.

7 Sec. 4. Section 35A.5, subsection 6, Code 2023, is amended
8 to read as follows:

9 6. a. ~~Conduct~~ Administer or conduct one service school
10 each year for county commissioners and one service school for
11 executive directors and administrators. ~~The service school for~~
12 ~~executive directors and administrators shall provide at least~~
13 ~~sixteen continuing education units.~~

14 b. (1) The department may receive and accept donations,
15 grants, gifts, and contributions from any public or private
16 source to be used for any of the following purposes:

17 (a) Providing payment for training opportunities under
18 paragraph "a".

19 (b) Organizing training relating to state programs for
20 county commission of veteran affairs executive directors,
21 administrators, and commissioners.

22 (c) Hiring an agency, organization, or other entity to
23 provide training or educational programming.

24 (d) Reimbursing county commission of veteran affairs
25 executive directors, administrators, and commissioners for
26 transportation costs related to a conference, program, or both.

27 (e) Verifying a person's qualifications pursuant to section
28 35A.5, subsection 9.

29 (2) All funds received by the department for the purposes
30 established in subparagraph (1) shall be deposited in
31 the county commission of veteran affairs training account
32 established in section 35A.16, subsection 4.

33 Sec. 5. Section 35A.5, subsection 9, Code 2023, is amended
34 by striking the subsection and inserting in lieu thereof the
35 following:

1 9. Verify each executive director, administrator, and
2 commissioner of a county commission of veteran affairs is fully
3 qualified to work in the person's position. Qualifications
4 shall include but not be limited to all of the following:

5 a. The person has obtained certification that is federally
6 required for the member, executive director, or administrator's
7 position within twelve months of beginning the person's
8 employment.

9 b. The person has obtained a personal identification
10 verification card necessary to access the veterans benefits
11 management system within twelve months of beginning the
12 person's employment.

13 c. The person maintains certification that is federally
14 required for the member, executive director, or administrator's
15 position.

16 d. The person maintains an active personal identification
17 verification card and has access to the veterans benefits
18 management system.

19 e. For executive directors and administrators, the person
20 is proficient in the use of electronic mail, general computer
21 use, and use of the internet to access information regarding
22 facilities, benefits, and services available to veterans and
23 their families.

24 Sec. 6. Section 35A.13, subsection 3, Code 2023, is amended
25 to read as follows:

26 3. Moneys credited to the trust fund shall not be
27 transferred, used, obligated, appropriated, or otherwise
28 encumbered, except as provided in [this section](#). ~~Moneys in the~~
29 ~~trust fund may also be used for cemetery grant development~~
30 ~~purposes provided that any moneys so allocated, except~~
31 ~~for moneys used for department of administrative services~~
32 ~~expenditures related to the grant, are returned to the trust~~
33 ~~fund upon receipt of federal funds received for such purposes.~~

34 Sec. 7. Section 35A.16, subsection 3, paragraph a, Code
35 2023, is amended to read as follows:

1 *a.* If sufficient moneys are available, the department
2 shall annually allocate ten thousand dollars to each county
3 commission of veteran affairs, or to each county sharing the
4 services of an executive director or administrator pursuant
5 to [chapter 28E](#), to be used to provide services to veterans
6 pursuant to [section 35B.6](#) and provide for and maintain
7 accreditation in accordance with the policies and procedures of
8 the United States department of veterans affairs. Each county
9 receiving an allocation shall annually report on expenditure of
10 the allocation in a form agreed to by the department and county
11 representatives.

12 Sec. 8. Section 35A.16, subsection 4, Code 2023, is amended
13 to read as follows:

14 4. A county commission of veteran affairs training program
15 account shall be established within the county commissions
16 of veteran affairs fund. Any moneys remaining in the fund
17 after the allocations under [subsection 3](#) shall be credited
18 to the account and used by the department to fund the county
19 commission of veteran affairs training program under section
20 ~~35A.17~~ [35A.5, subsection 6](#), and training for department
21 personnel.

22 Sec. 9. Section 35B.3, Code 2023, is amended to read as
23 follows:

24 **35B.3 County commission of veteran affairs.**

25 The county commission of veteran affairs shall consist
26 of either three or five persons, as determined by the board
27 of supervisors, all of whom shall be veterans as defined in
28 section 35.1. If possible, each member of the commission shall
29 be a veteran of a different military ~~action~~ branch. However,
30 this qualification does not preclude membership to a veteran
31 who served in more than one branch of the military ~~actions~~.

32 Sec. 10. Section 35B.6, subsection 1, paragraph c, Code
33 2023, is amended to read as follows:

34 *c.* (1) Upon the employment of an executive director or
35 administrator, the executive director or administrator shall

1 complete a course ~~of~~ for the purpose of obtaining certification
2 ~~training provided by the department of veterans affairs~~
3 ~~pursuant to section 35A.5~~ federally required for the person's
4 position and a personal identification verification card
5 necessary to access the veterans benefits management system.
6 If an executive director or administrator fails to obtain
7 certification or a personal identification verification card
8 within one year of being employed, the executive director or
9 administrator shall be removed from office. ~~The department~~
10 ~~shall issue the executive director or administrator a~~
11 ~~certificate of training after completion of the certification~~
12 ~~training course. To maintain certification, the~~

13 (2) An executive director or administrator shall satisfy
14 the continuing education requirements established by the
15 national association of county veterans service officers and
16 the United States department of veterans affairs. Failure
17 of an executive director or administrator to maintain
18 certification shall be cause for removal from office. The
19 expenses of training the executive director or administrator
20 shall be paid from the appropriation authorized in section
21 35B.14.

22 (3) An executive director or administrator shall satisfy
23 the continuing education requirements necessary to maintain an
24 active personal identification verification card and access
25 to the veterans benefits management system. Failure of an
26 executive director or administrator to maintain certification
27 and access to the veterans benefits management system shall be
28 cause for removal from office.

29 Sec. 11. Section 35B.14, subsection 4, Code 2023, is amended
30 to read as follows:

31 4. Burial expenses shall be paid by the county in which
32 the person died resided. ~~If the person is a resident of a~~
33 ~~different county at the time of death, the county of residence~~
34 ~~shall reimburse the county where the person died for the cost~~
35 ~~of burial. In either case, the The county board of supervisors~~

1 ~~of the respective counties~~ shall audit and pay the account from
2 the funds provided for in [this chapter](#) in the manner as other
3 claims are audited and paid.

4 Sec. 12. Section 426A.12, Code 2023, is amended to read as
5 follows:

6 **426A.12 Exemptions to relatives.**

7 1. In case any person in the foregoing classifications does
8 not claim the exemption from taxation, it shall be allowed in
9 the name of the person to the same extent on the property of any
10 one of the following persons in the order named:

11 a. The spouse, or surviving spouse remaining unmarried,
12 of a veteran, as defined in [this chapter](#) or in section 35.1,
13 ~~subsection 2, paragraph "a" or "b"~~, where they are living
14 together or were living together at the time of the death of
15 the veteran.

16 b. The parent whose spouse is deceased and who remains
17 unmarried, of a veteran, as defined in [this chapter](#) or in
18 section 35.1, ~~subsection 2, paragraph "a" or "b"~~, whether living
19 or deceased, where the parent is, or was at the time of death of
20 the veteran, dependent on the veteran for support.

21 c. The minor child, or children owning property as tenants
22 in common, of a deceased veteran, as defined in [this chapter](#) or
23 in [section 35.1](#), ~~subsection 2, paragraph "a" or "b"~~.

24 2. No more than one tax exemption shall be allowed under
25 this section or [section 426A.11](#) in the name of a veteran,
26 as defined in [this chapter](#) or in [section 35.1](#), ~~subsection 2,~~
27 ~~paragraph "a" or "b"~~.

28 Sec. 13. Section 426A.13, subsections 1 and 2, Code 2023,
29 are amended to read as follows:

30 1. A person named in [section 426A.11](#), who is a resident of
31 and domiciled in the state of Iowa, shall receive a reduction
32 equal to the exemption, to be made from any property owned
33 by the person or owned by a family farm corporation of which
34 the person is a shareholder and occupant of the property and
35 so designated by proceeding as provided in [this section](#). To

1 be eligible to receive the exemption, the person claiming it
 2 shall have recorded in the office of the county recorder of
 3 the county in which is located the property designated for the
 4 exemption, evidence of property ownership by that person or the
 5 family farm corporation of which the person is a shareholder
 6 and the military certificate of satisfactory service, order
 7 transferring to inactive status, reserve, retirement, order of
 8 separation from service, honorable discharge or a copy of any
 9 of these documents of the person claiming or through whom is
 10 claimed the exemption. In the case of a person claiming the
 11 exemption as a veteran described in [section 35.1, subsection 2,](#)
 12 paragraph ~~"b", subparagraph (6) or (7)~~ "d" or "e", the person
 13 shall file the statement required by [section 35.2.](#)

14 2. The person shall file with the appropriate assessor on
 15 forms obtained from the assessor the claim for exemption for
 16 the year for which the person is first claiming the exemption.
 17 The claim shall be filed not later than July 1 of the year
 18 for which the person is claiming the exemption. The claim
 19 shall set out the fact that the person is a resident of and
 20 domiciled in the state of Iowa, and a person within the terms
 21 of [section 426A.11,](#) and shall give the volume and page on which
 22 the certificate of satisfactory service, order of separation,
 23 retirement, furlough to reserve, inactive status, or honorable
 24 discharge or certified copy thereof is recorded in the office
 25 of the county recorder, and may include the designation of the
 26 property from which the exemption is to be made, and shall
 27 further state that the claimant is the equitable or legal owner
 28 of the property designated or if the property is owned by a
 29 family farm corporation, that the person is a shareholder of
 30 that corporation and that the person occupies the property.
 31 In the case of a person claiming the exemption as a veteran
 32 described in [section 35.1, subsection 2,](#) paragraph ~~"b",~~
 33 ~~subparagraph (6) or (7)~~ "d" or "e", the person shall file the
 34 statement required by [section 35.2.](#)

35 Sec. 14. REPEAL. Sections 35A.17 and 35B.17, Code 2023,

1 are repealed.

2

EXPLANATION

3

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

4

5

This bill relates to matters under the purview of the
6 department of veterans affairs, including county commissions of
7 veteran affairs (CCVA) and cemetery expenditures.

8

The bill redefines a "veteran" for the purposes of Code
9 chapter 35 (veterans affairs) as a resident of this state who
10 meets the definition of a veteran as defined in 38 C.F.R. §3.1,
11 as amended.

12

The bill replaces the department of veterans affairs'
13 (VA) duty to conduct a service school each year for county
14 commissioners, executive directors, and administrators with
15 the duty to administer or provide for one service school
16 each year for county commissioners, executive directors, and
17 administrators.

18

The bill removes continuing education requirements
19 associated with the annual service school provided for county
20 commissioners, executive directors, and administrators.

21

The bill allows the department to receive and accept
22 donations, grants, gifts, and contributions from any public or
23 private source to be used for providing payment for training
24 opportunities to CCVA commissioners, executive directors,
25 and administrators; organizing training relating to state
26 programs for CCVA executive directors, administrators, and
27 commissioners; hiring an agency, organization, or other entity
28 to provide training or educational programming; reimbursing
29 CCVA executive directors, administrators, and commissioners
30 for transportation costs related to a conference, program, or
31 both; and verifying a person's qualifications to work as a CCVA
32 commissioner, executive director, or administrator. The bill
33 requires that all funds received by the VA for these purposes
34 must be deposited in the CCVA training account.

35

The bill replaces the VA's duty to provide certification

1 training to executive directors and administrators of CCVA with
2 the duty to verify each executive director, administrator,
3 and commissioner of a CCVA is fully qualified to work in
4 the person's position. Such qualifications include but are
5 not limited to obtaining certification that is federally
6 required for the member, executive director, or administrator's
7 position within 12 months of beginning the person's employment;
8 obtaining a personal identification verification card necessary
9 to access VBMS within 12 months of beginning the person's
10 employment; maintaining certification that is federally
11 required for the member, executive director, or administrator's
12 position; maintaining an active personal identification
13 verification card and has access to VBMS; having proficiency
14 in the use of electronic mail, general computer use, and use
15 of the internet to access information regarding facilities,
16 benefits, and services available to veterans and their families
17 if the person is an executive director or administrator.

18 The bill prohibits moneys in the veterans trust fund from
19 being used for cemetery grant development purposes.

20 The bill makes a nonsubstantive terminology change in Code
21 section 35B.3.

22 The bill requires a CCVA executive director or administrator
23 to complete a course for the purpose of obtaining certification
24 federally required for the person's position and a personal
25 identification verification (PIV) card necessary to access
26 VBMS. If an executive director or administrator fails to
27 obtain certification or a PIV card within one year of being
28 employed, the executive director or administrator shall be
29 removed from office. Under current law, the VA is required to
30 provide the training and issue a certificate of completion.

31 The bill requires an executive director or administrator
32 to satisfy the continuing education requirements established
33 by the United States department of veterans affairs and the
34 requirements necessary to maintain an active PIV card and
35 access to the VBMS. Failure of an executive director or

1 administrator to maintain certification and access to VBMS
2 shall be cause for removal from office.

3 The bill requires funeral expenses for a veteran or a
4 veteran's spouse, surviving spouse, or child be paid by the
5 county in which the person resided if the veteran died without
6 leaving sufficient means to pay funeral expenses.

7 The bill makes conforming changes to Code sections 35A.3;
8 35A.16, subsection 4; 35B.14, subsection 1; 426A.12; and
9 426A.13.

10 The bill repeals Code sections 35A.17 (county commission of
11 veteran affairs training program) and 35B.17 (maintenance of
12 graves).