

Senate File 394 - Reprinted

SENATE FILE _____
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 333)
(SUCCESSOR TO SF 292)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to veterans by providing for the establishment of
2 a department of veterans affairs, providing for the
3 compensation of members of a county commission of veteran
4 affairs, providing for the issuance of combined hunting and
5 fishing licenses to certain veterans, establishing a hepatitis
6 C awareness program for veterans, concerning funds in an
7 account for a state veterans cemetery, extending veterans'
8 benefits, preferences, eligibility for appointments, and the
9 military service tax credit and exemption to certain members
10 of the reserve forces of the United States and the Iowa
11 national guard, concerning military pay differential, and
12 providing an effective date and a retroactive applicability
13 date.
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
15 SF 394
16 sc/cc/26

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1 1 Section 1. Section 7E.5, subsection 1, paragraph v, Code
1 2 2005, is amended to read as follows:
1 3 v. The Iowa commission of veterans affairs, which
1 4 has primary responsibility for state veterans affairs.
1 5 Sec. 2. Section 35.1, subsection 1, Code 2005, is amended
1 6 to read as follows:
1 7 1. "~~Commission~~" "Department" means the ~~commission~~
1 8 Iowa
1 8 ~~department~~ of veterans affairs created in section ~~35A.2~~ 35A.4.
1 9 Sec. 3. Section 35.1, subsection 2, paragraph b,
1 10 subparagraphs (1) and (2), Code 2005, are amended to read as
1 11 follows:
1 12 (1) Former members of the reserve forces of the United
1 13 States who served at least twenty years in the reserve forces
1 14 ~~after January 28, 1973,~~ and who were discharged under
1 15 honorable conditions. However, a member of the reserve forces
1 16 of the United States who completed a minimum aggregate of
1 17 ninety days of active federal service, other than training,
1 18 and was discharged under honorable conditions, or was retired
1 19 under Title X of the United States Code shall be included as a
1 20 veteran.
1 21 (2) Former members of the Iowa national guard who served
1 22 at least twenty years in the Iowa national guard ~~after January~~
1 23 ~~28, 1973,~~ and who were discharged under honorable conditions.
1 24 However, a member of the Iowa national guard who was activated
1 25 for federal duty, other than training, for a minimum aggregate
1 26 of ninety days, and was discharged under honorable conditions
1 27 or was retired under Title X of the United States Code shall
1 28 be included as a veteran.
1 29 Sec. 4. Section 35.1, subsection 2, paragraph b, Code
1 30 2005, is amended by adding the following new subparagraphs:
1 31 NEW SUBPARAGRAPH. (6) Members of the reserve forces of
1 32 the United States who have served at least twenty years in the
1 33 reserve forces and who continue to serve in the reserve
1 34 forces.
1 35 NEW SUBPARAGRAPH. (7) Members of the Iowa national guard
2 1 who have served at least twenty years in the Iowa national
2 2 guard and who continue to serve in the Iowa national guard.
2 3 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR
2 4 CERTAIN VETERANS.
2 5 In order to fulfill any eligibility requirements

2 5 under Iowa law pertaining to veteran status, a veteran
2 5 described in section 35.1, subsection 2, paragraph
2 5 "b", subparagraph (6) or (7), shall submit the
2 5 veteran's retirement points accounting statement
2 5 issued by the armed forces of the United States, the
2 5 state adjutant general, or the adjutant general of any
2 5 other state, to confirm that the person has completed
2 5 twenty years of service with the reserve forces or the
2 5 national guard.

2 13 Sec. 6. Section 35.8, Code 2005, is amended to read as
2 14 follows:

2 15 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

2 16 A war orphans educational aid fund is created as a separate
2 17 fund in the state treasury under the control of the ~~commission~~
2 18 ~~department~~ of veterans affairs. Any money appropriated for
2 19 the purpose of aiding in the education of orphaned children of
2 20 veterans, as defined in section 35.1, shall be deposited in
2 21 the war orphans educational aid fund.

2 22 Sec. 7. Section 35.9, unnumbered paragraph 1, Code 2005,
2 23 is amended to read as follows:

2 24 The ~~commission department~~ of veterans affairs may expend
2 25 not more than six hundred dollars per year for any one child
2 26 who has lived in the state of Iowa for two years preceding
2 27 application for aid, and who is the child of a person who died
2 28 during active federal military service while serving in the
2 29 armed forces or during active federal military service in the
2 30 Iowa national guard or other military component of the United
2 31 States, to defray the expenses of tuition, matriculation,
2 32 laboratory and similar fees, books and supplies, board,
2 33 lodging, and any other reasonably necessary expense for the
2 34 child or children incident to attendance in this state at an
2 35 educational or training institution of college grade, or in a
3 1 business or vocational training school with standards approved
3 2 by the ~~commission department~~ of veterans affairs.

3 3 Sec. 8. Section 35.10, Code 2005, is amended to read as
3 4 follows:

3 5 35.10 ELIGIBILITY AND PAYMENT OF AID.

3 6 Eligibility for aid shall be determined upon application to
3 7 the ~~commission department~~ of veterans affairs, whose decision
3 8 is final. The eligibility of eligible applicants shall be
3 9 certified by the ~~commission department~~ of veterans affairs to
3 10 the director of the department of administrative services, and
3 11 all amounts that are or become due to an individual or a
3 12 training institution under this chapter shall be paid to the
3 13 individual or institution by the director of the department of
3 14 administrative services upon receipt by the director of
3 15 certification by the president or governing board of the
3 16 educational or training institution as to accuracy of charges
3 17 made, and as to the attendance of the individual at the
3 18 educational or training institution. The ~~commission~~
3 19 ~~department~~ of veterans affairs may pay over the annual sum of
3 20 four hundred dollars to the educational or training
3 21 institution in a lump sum, or in installments as the
3 22 circumstances warrant, upon receiving from the institution
3 23 such written undertaking as the ~~commission department~~ may
3 24 require to assure the use of funds for the child for the
3 25 authorized purposes and for no other purpose. A person is not
3 26 eligible for the benefits of this chapter until the person has
3 27 graduated from a high school or educational institution
3 28 offering a course of training equivalent to high school
3 29 training.

3 30 Sec. 9. Section 35A.1, Code 2005, is amended by adding the
3 31 following new subsection:

3 32 NEW SUBSECTION. 3A. "Department" means the Iowa
3 33 department of veterans affairs established in section 35A.4.

4 3 Sec. 11. Section 35A.3, subsections 2 and 3, Code 2005, are
4 4 amended to read as follows:

4 5 2. Adopt rules pursuant to chapter 17A and establish
4 6 policy for the management and operation of the department and
4 7 the commission.

4 7 3. Prescribe the duties of an executive director
4 7 ~~and other employees as the commission shall deem~~
4 7 ~~necessary to carry out the duties of the commission.~~

4 8 Sec. 12. Section 35A.3, subsections 5, 6, 7, 8, 9,
4 9 10, 11, 12, and 14, Code 2005, are amended by striking the
4 10 subsections.

4 11 Sec. 13. NEW SECTION. 35A.4 DEPARTMENT ESTABLISHED.

4 12 There is established an Iowa department of veterans affairs
4 13 which shall consist of a commission, a director, and any
4 14 additional personnel as employed by the director.

4 15 Sec. 14. NEW SECTION. 35A.5 DUTIES OF THE DEPARTMENT.

4 16 The department shall do all of the following:
4 20 2. Maintain information and data concerning the military
4 21 service records of Iowa veterans.
4 22 3. Assist county veteran affairs commissions established
4 23 pursuant to chapter 35B. The department shall provide to
4 24 county commissions suggested uniform benefits and
4 25 administrative procedures for carrying out the functions and
4 26 duties of the county commissions.
4 27 4. Permanently maintain the records including certified
4 28 records of bonus applications for awards paid from the war
4 29 orphans educational fund under chapter 35.
4 30 5. Collect and maintain information concerning veterans
4 31 affairs.
4 32 6. Conduct two service schools each year for the Iowa
4 33 association of county commissioners and executive directors.
4 34 7. Assist the United States veterans administration, the
4 35 Iowa veterans home, funeral directors, and federally chartered
5 1 veterans service organizations in providing information
5 2 concerning veterans service records and veterans affairs data.
5 3 8. Maintain alphabetically a permanent registry of the
5 4 graves of all persons who served in the military or naval
5 5 forces of the United States in time of war and whose mortal
5 6 remains rest in Iowa.
5 7 9. Provide training to executive directors of county
5 8 commissions of veteran affairs pursuant to section 35B.6. The
5 9 commission may adopt rules in accordance with chapter 17A to
5 10 provide for training of county veteran affairs executive
5 11 directors.
5 12 10. Establish and operate a state veterans cemetery and
5 13 make application to the government of the United States or any
5 14 subdivision, agency, or instrumentality thereof, for funds for
5 15 the purpose of establishing such a cemetery. The state may
5 16 enter into agreements with any subdivision of the state for
5 17 assistance in operating the cemetery. The state shall own the
5 18 land on which the cemetery is located. The department shall
5 19 have the authority to accept federal grant funds, funding from
5 20 state subdivisions, donations from private sources, and
5 21 federal "plot allowance" payments. All such funds shall be
5 22 deposited into an account dedicated to the establishment,
5 23 operation, and maintenance of a veterans cemetery and these
5 24 funds shall be expended only for those purposes. The
5 25 department through the director shall have the authority to
5 26 accept suitable cemetery land, in accordance with federal
5 27 veterans cemetery grant guidelines, from the federal
5 28 government, state government, state subdivisions, private
5 29 sources, and any other source wishing to transfer land for use
5 30 as a veterans cemetery.
5 30 Notwithstanding section
5 30 8.33, any moneys in the account for a state veterans
5 30 cemetery shall not revert and, notwithstanding section
5 30 12C.7, subsection 2, interest or earnings on moneys
5 30 deposited in the fund shall be credited to the
5 30 account.
5 31 11. Carry out the policies of the department.
5 32 Sec. _____. Section 35A.8, subsections 1 and 3,
5 32 Code 2005, are amended to read as follows:
5 32 1. The governor shall appoint an executive
5 32 director, subject to confirmation by the senate, who
5 32 shall serve at the pleasure of the governor. The
5 32 executive director is responsible for administering
5 32 the duties of the department and the commission other
5 32 than those related to the Iowa veterans home.
5 32 3. Except for the employment duties and
5 32 responsibilities assigned to the commandant for the
5 32 Iowa veterans home, the executive director shall
5 32 employ such personnel as are necessary for the
5 32 performance of the duties and responsibilities
5 32 assigned to the department and the commission. All
5 32 employees shall be selected on a basis of fitness for
5 32 the work to be performed with due regard to training
5 32 and experience and shall be subject to the provisions
5 32 of chapter 8A, subchapter IV.
6 28 Sec. 17. Section 35A.9, subsections 1 and 2, Code 2005,
6 29 are amended to read as follows:
6 30 1. The executive director, commandant, and employees of
6 31 the ~~commission~~ department and the Iowa veterans home are
6 32 entitled to receive, in addition to salary, reimbursement for
6 33 actual expenses incurred while engaged in the performance of
6 34 official duties.
6 35 2. All out-of-state travel by commissioners, the executive
7 1 director, the commandant, or employees of the ~~commission~~

7 2 department or the Iowa veterans home shall be approved by the
7 3 chairperson of the commission.

8 2 Sec. _____. Section 35B.5, Code 2005, is amended to
8 2 read as follows:

8 2 35B.5 COMPENSATION.

8 2 A member of the commission shall receive twenty=
8 2 five dollars or a greater amount as established by the
8 2 board of supervisors for each month during which the
8 2 member attends one or more commission meetings and
8 2 shall be reimbursed for mileage the same as a member
8 2 of the board of supervisors. Compensation and mileage
8 2 shall be paid out of the appropriation authorized in
8 2 section 35B.14.

8 2 Sec. 20. Section 35B.6, subsection 1, paragraph b, Code
8 3 2005, is amended to read as follows:

8 4 b. Upon the employment of an executive director, the
8 5 executive director shall complete a course of initial training
8 6 provided by the commission department of veterans affairs
8 7 pursuant to section ~~35A.3~~ 35A.5. If an executive director is
8 8 not appointed, a commissioner or a clerical assistant shall
8 9 complete the course of training. The commission department
8 10 shall issue the executive director, commissioner, or clerical
8 11 assistant a certificate of training after completion of the
8 12 initial training course. To maintain annual certification,
8 13 the executive director, commissioner, or clerical assistant
8 14 shall attend one commission department training course each
8 15 year. Failure to maintain certification may be cause for
8 16 removal from office. The expenses of training shall be paid
8 17 from the appropriation authorized in section 35B.14.

8 18 Sec. 21. Section 35B.11, Code 2005, is amended to read as
8 19 follows:

8 20 35B.11 DATA FURNISHED

8 20 ~~STATE~~

8 20 ~~COMMISSION IOWA DEPARTMENT OF VETERANS AFFAIRS.~~

8 21 The commission of veteran affairs of each county shall
8 22 provide information to the ~~state commission department~~ of
8 23 veterans affairs as the ~~state commission department~~ may
8 24 request.

8 25 Sec. 22. Section 35B.19, Code 2005, is amended to read as
8 26 follows:

8 27 35B.19 BURIAL RECORDS.

8 28 The county commission of veteran affairs shall be charged
8 29 with securing the information requested by the ~~commission~~
8 30 department of veterans affairs of every person having a
8 31 military service record and buried in that county. Such
8 32 information shall be secured from the undertaker in charge of
8 33 the burial and shall be transmitted by the undertaker to the
8 34 commission of veteran affairs of the county where burial is
8 35 made. This information shall be recorded alphabetically and
9 1 by description of location in the cemetery where the veteran
9 2 is buried. This recording shall conform to the directives of
9 3 the ~~state commission department~~ of veterans affairs and shall
9 4 be kept in a book by the county commission.

12 7 Sec. 34. Section 36.1, subsection 3, Code 2005, is amended
12 8 to read as follows:

12 9 3. "Commission" means the commission of veterans
12 9 affairs established in section 35A.2.

12 9 Sec. _____. Section 36.1, Code 2005, is amended by
12 9 adding the following new subsection:

12 9 NEW SUBSECTION. 3A. "Department" means the
12 9 department of veterans affairs established in section
12 9 35A.4.

12 11 Sec. 35. Section 36.2, Code 2005, is amended to read as
12 12 follows:

12 13 36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~ DEPARTMENT.

12 14 A licensed physician, as defined in section 135.1,
12 15 subsection 4, who treats a veteran the physician believes may
12 16 have been exposed to chemicals while serving in the armed
12 17 forces of the United States shall submit a report indicating
12 18 that information to the commission department at the request
12 19 of the veteran pursuant to section 36.3.

12 20 Sec. 36. Section 36.3, Code 2005, is amended to read as
12 21 follows:

12 22 36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

12 23 The commission department shall:

- 12 24 1. Provide the forms for the reports required in section
12 25 36.2. The report form shall require the doctor to provide all
12 26 of the following:
 - 12 27 a. Symptoms of the veteran which may be related to
12 28 exposure to chemicals.
 - 12 29 b. Diagnosis of the veteran.

12 30 c. Methods of treatment prescribed.
12 31 2. Annually compile and evaluate the information submitted
12 32 in the reports pursuant to subsection 1, in consultation and
12 33 cooperation with a certified medical toxicologist selected by
12 34 the ~~commission department~~. The ~~commission department~~ shall
12 35 submit the report to the governor, the general assembly, and
13 1 the United States veterans' administration. The report shall
13 2 include current research data on the effects of exposure to
13 3 chemicals, statistical information received from individual
13 4 physicians' reports, and statistical information from the
13 5 epidemiological investigations pursuant to subsection 3.
13 6 3. Conduct epidemiological investigations of veterans who
13 7 have cancer or other medical problems or who have children
13 8 born with birth defects associated with exposure to chemicals,
13 9 in consultation and cooperation with a certified medical
13 10 toxicologist selected by the ~~commission department~~. The
13 11 ~~commission department~~ shall obtain consent from a veteran
13 12 before conducting the investigations.
13 13 The ~~commission department~~ shall cooperate with local and
13 14 state agencies during the course of an investigation.
13 15 Sec. 37. Section 36.4, unnumbered paragraph 1, Code 2005,
13 16 is amended to read as follows:
13 17 The ~~commission department~~ shall not identify a veteran
13 18 consenting to the epidemiological investigations pursuant to
13 19 section 36.3, subsection 3, unless the veteran consents to the
13 20 release of identity. The statistical information compiled by
13 21 the ~~commission department~~ pursuant to section 36.3 is a public
13 22 record.
13 23 Sec. 38. Section 36.6, unnumbered paragraph 1, Code 2005,
13 24 is amended to read as follows:
13 25 The ~~commission department~~ and appropriate medical
13 26 facilities at the state university of Iowa under the control
13 27 of the state board of regents shall institute a cooperative
13 28 program to:
13 29 Sec. 39. Section 36.7, Code 2005, is amended to read as
13 30 follows:
13 31 36.7 FEDERAL PROGRAM.
13 32 If the ~~commission department~~ or the general assembly
13 33 determines that an agency of the federal government or the
13 34 state of Iowa is providing the referral and genetic services
13 35 pursuant to section 36.6, the ~~commission department~~ or the
14 1 general assembly by specific action may discontinue all or
14 2 part of the services and requirements in this chapter.
14 3 Sec. _____. NEW SECTION. 135.20 HEPATITIS C
14 3 AWARENESS PROGRAM == VETERANS == VACCINATIONS.
14 3 1. The department shall establish and administer a
14 3 hepatitis C awareness program. The goal of the
14 3 program shall be to distribute information to veterans
14 3 regarding the higher incidence of hepatitis C exposure
14 3 and infection among veterans, the dangers presented by
14 3 the disease, and contacts for additional information
14 3 and referrals. For purposes of this section,
14 3 "veteran" means an individual meeting the definition
14 3 contained in section 35.1.
14 3 2. The information to be distributed shall be
14 3 determined by the department by rule, in consultation
14 3 with the commission of veterans affairs. The
14 3 information shall, at a minimum, contain statements
14 3 indicating that:
14 3 a. The federal department of veterans affairs
14 3 estimates a hepatitis C infection rate in veterans
14 3 more than three times higher than for the general
14 3 population.
14 3 b. The infection rate for Vietnam veterans is
14 3 estimated to be even higher than for other veterans
14 3 groups.
14 3 c. The disease is caused by a bloodborne virus
14 3 readily transmitted during combat and combat-related
14 3 emergency medical treatment.
14 3 d. Many veterans currently carrying the virus were
14 3 infected prior to the development of medical screening
14 3 tests.
14 3 e. The hepatitis C virus often resolves into a
14 3 chronic infection without symptoms for ten to thirty
14 3 years before signs of resultant liver disease appear.
14 3 f. This unusually long latency period makes it
14 3 difficult to connect current symptoms with an
14 3 infection that may have actually been contracted
14 3 during military service decades ago.
14 3 The information shall also present treatment
14 3 options and shall specify a procedure to be followed

14 3 for veterans desiring a medical consultation for
14 3 screening and treatment purposes. The department
14 3 shall cooperate with the state commission of veterans
14 3 affairs regarding distribution of the information to
14 3 the veterans home, the county commissions of veteran
14 3 affairs, veterans hospitals, and other appropriate
14 3 points of distribution.

14 14 Sec. 42. Section 135C.31A, Code 2005, is amended to read
14 15 as follows:

14 16 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM ELIGIBILITY.

14 17 Beginning July 1, 2003, a health care facility receiving
14 18 reimbursement through the medical assistance program under
14 19 chapter 249A shall assist the Iowa ~~commission~~ department of
14 20 veterans affairs in identifying, upon admission of a resident,
14 21 the resident's eligibility for benefits through the federal
14 22 department of veterans affairs. The health care facility
14 23 shall also assist the Iowa ~~commission~~ department of veterans
14 24 affairs in determining such eligibility for residents residing
14 25 in the facility on July 1, 2003. The department of
14 26 inspections and appeals, in cooperation with the department of
14 27 human services, shall adopt rules to administer this section,
14 28 including a provision that ensures that if a resident is
14 29 eligible for benefits through the federal department of
14 30 veterans affairs or other third-party payor, the payor of last
14 31 resort for reimbursement to the health care facility is the
14 32 medical assistance program. This section shall not apply to
14 33 the admission of an individual to a state mental health
14 34 institute for acute psychiatric care or to the admission of an
14 35 individual to the Iowa veterans home.

15 1 Sec. 43. Section 256.9, subsection 48, Code 2005, is
15 2 amended to read as follows:

15 3 48. Develop and administer, with the cooperation of the
15 4 ~~commission~~ department of veterans affairs, a program which
15 5 shall be known as operation recognition. The purpose of the
15 6 program is to award high school diplomas to veterans of World
15 7 War I, World War II, and the Korean and Vietnam conflicts who
15 8 left high school prior to graduation to enter United States
15 9 military service. The department of education and the
15 10 ~~commission~~ department of veterans affairs shall jointly
15 11 develop an application procedure, distribute applications, and
15 12 publicize the program to school districts, accredited
15 13 nonpublic schools, county commissions of veteran affairs,
15 14 veterans organizations, and state, regional, and local media.
15 15 All honorably discharged veterans who are residents or former
15 16 residents of the state; who served at any time between April
15 17 6, 1917, and November 11, 1918, at any time between September
15 18 16, 1940, and December 31, 1946, at any time between June 25,
15 19 1950, and January 31, 1955, or at any time between February
15 20 28, 1961, and May 5, 1975, all dates inclusive; and who did
15 21 not return to school and complete their education after the
15 22 war or conflict shall be eligible to receive a diploma.
15 23 Diplomas may be issued posthumously. Upon approval of an
15 24 application, the department shall issue an honorary high
15 25 school diploma for an eligible veteran. The diploma shall
15 26 indicate the veteran's school of attendance. The department
15 27 of education and the ~~commission~~ department of veterans affairs
15 28 shall work together to provide school districts, schools,
15 29 communities, and county commissions of veteran affairs with
15 30 information about hosting a diploma ceremony on or around
15 31 Veterans Day. The diploma shall be mailed to the veteran or,
15 32 if the veteran is deceased, to the veteran's family.

15 33 Sec. 44. Section 303.2, subsection 2, paragraph k, Code
15 34 2005, is amended to read as follows:

15 35 k. Administer, preserve, and interpret the battle flag
16 1 collection assembled by the state in consultation and
16 2 coordination with the ~~commission~~ department of veterans
16 3 affairs and the department of administrative services. A
16 4 portion of the battle flag collection shall be on display at
16 5 the state capitol and the state historical building at all
16 6 times, unless on loan approved by the department of cultural
16 7 affairs.

16 8 Sec. 45. Section 331.608, subsection 6, paragraph e, Code
16 9 2005, is amended to read as follows:

16 10 e. When otherwise required by a department or agency of
16 11 the federal or state government or a political subdivision.
16 12 The recorder shall make these records available to the
16 13 ~~commission~~ department of veterans affairs. The ~~commission~~
16 14 department of veterans affairs and its employees shall be
16 15 subject to the same state and federal confidentiality
16 16 restrictions and requirements that are imposed on the
16 17 recorder.

16 18 Sec. 46. Section 426A.13, unnumbered paragraphs 1 through
16 19 3, Code 2005, are amended to read as follows:

16 20 A person named in section 426A.11, who is a resident of and
16 21 domiciled in the state of Iowa, shall receive a reduction
16 22 equal to the exemption, to be made from any property owned by
16 23 the person or owned by a family farm corporation of which the
16 24 person is a shareholder and who occupies the property and so
16 25 designated by proceeding as provided in the section. To be
16 26 eligible to receive the exemption the person claiming it shall
16 27 have recorded in the office of the county recorder of the
16 28 county in which is located the property designated for the
16 29 exemption, evidence of property ownership by that person or
16 30 the family farm corporation of which the person is a
16 31 shareholder and the military certificate of satisfactory
16 32 service, order transferring to inactive status, reserve,
16 33 retirement, order of separation from service, honorable
16 34 discharge or a copy of any of these documents of the person
16 35 claiming or through whom is claimed the exemption. In the
17 1 case of a person claiming the exemption for currently serving
17 2 in the reserve forces of the United States or the Iowa
17 3 national guard, the person shall file the statement required
17 4 by section 35.2.

17 5 The person shall file with the appropriate assessor on
17 6 forms obtained from the assessor the claim for exemption for
17 7 the year for which the person is first claiming the exemption.
17 8 The claim shall be filed not later than July 1 of the year for
17 9 which the person is claiming the exemption. The claim shall
17 10 set out the fact that the person is a resident of and
17 11 domiciled in the state of Iowa, and a person within the terms
17 12 of section 426A.11, and shall give the volume and page on
17 13 which the certificate of satisfactory service, order of
17 14 separation, retirement, furlough to reserve, inactive status,
17 15 or honorable discharge or certified copy thereof is recorded
17 16 in the office of the county recorder, and may include the
17 17 designation of the property from which the exemption is to be
17 18 made, and shall further state that the claimant is the
17 19 equitable or legal owner of the property designated or if the
17 20 property is owned by a family farm corporation, that the
17 21 person is a shareholder of that corporation and that the
17 22 person occupies the property. In the case of a person
17 23 claiming the exemption for currently serving in the reserve
17 24 forces of the United States or the Iowa national guard, the
17 25 person shall file the statement required by section 35.2.

17 26 Upon the filing and allowance of the claim, the claim shall
17 27 be allowed to that person for successive years without further
17 28 filing. However, in the case of a person currently serving in
17 29 the reserve forces of the United States or the Iowa national
17 30 guard, such person shall file each year to be eligible to
17 31 obtain the exemption. Provided, that notwithstanding the
17 32 filing or having on file a claim for exemption, the person or
17 33 person's spouse is the legal or equitable owner of the
17 34 property on July 1 of the year for which the claim is allowed.
17 35 When the property is sold or transferred or the person wishes
18 1 to designate different property for the exemption, a person
18 2 who wishes to receive the exemption shall refile for the
18 3 exemption. A person who sells or transfers property which is
18 4 designated for the exemption or the personal representative of
18 5 a deceased person who owned such property shall provide
18 6 written notice to the assessor that the property is no longer
18 7 legally or equitably owned by the former claimant.

18 8 Sec. _____. Section 483A.24, subsection 13, Code
18 8 2005, is amended to read as follows:

18 8 13. Upon payment of the fee of thirty dollars for
18 8 a lifetime hunting and fishing combined license, the
18 8 department shall issue a hunting and fishing combined
18 8 license to a resident of Iowa who ~~is a veteran, as~~
~~18 8 defined in section 35.1, served in the armed forces of~~
18 8 the United States for a minimum aggregate of ninety
18 8 days of active federal service and who was disabled or
18 8 was a prisoner of war during that veteran's military
18 8 service. The department shall prepare an application
18 8 to be used by a person requesting a hunting and
18 8 fishing combined license under this subsection. The
18 8 ~~commission~~ department of veterans affairs shall assist
18 8 the department in verifying the status or claims of
18 8 applicants under this subsection. As used in this
18 8 subsection, "disabled" means entitled to compensation
18 8 under the United States Code, Title 38, ch. 11.

18 23 Sec. 48. Section 669.2, subsection 4, unnumbered paragraph
18 24 1, Code 2005, is amended to read as follows:

18 25 "Employee of the state" includes any one or more officers,

18 26 agents, or employees of the state or any state agency,
18 27 including members of the general assembly, and persons acting
18 28 on behalf of the state or any state agency in any official
18 29 capacity, temporarily or permanently in the service of the
18 30 state of Iowa, whether with or without compensation, but does
18 31 not include a contractor doing business with the state.
18 32 Professional personnel, including physicians, osteopathic
18 33 physicians and surgeons, osteopathic physicians, optometrists,
18 34 dentists, nurses, physician assistants, and other medical
18 35 personnel, who render services to patients or inmates of state
19 1 institutions under the jurisdiction of the department of human
19 2 services or the Iowa department of corrections, and employees
19 3 of the ~~commission~~ department of veterans affairs, are to be
19 4 considered employees of the state, whether the personnel are
19 5 employed on a full-time basis or render services on a part=
19 6 time basis on a fee schedule or other arrangement. Criminal
19 7 defendants while performing unpaid community service ordered
19 8 by the district court, board of parole, or judicial district
19 9 department of correctional services, or an inmate providing
19 10 services pursuant to a chapter 28E agreement entered into
19 11 pursuant to section 904.703, and persons supervising those
19 12 inmates under and according to the terms of the chapter 28E
19 13 agreement, are to be considered employees of the state.

19 13 Sec. _____. 2003 Iowa Acts, chapter 179, section
19 13 21, subsections 2 and 5, as enacted by 2005 Iowa Acts,
19 13 Senate File 75, section 1, are amended to read as
19 13 follows:

19 13 2. Of the funds appropriated in this section,
19 13 \$10,000 is transferred to the ~~Iowa~~ department of
19 13 ~~public health~~ human services for allocation to
19 13 community mental health centers to provide counseling
19 13 services to persons, whether or not employed by the
19 13 state, who are members of the national guard or
19 13 reservists and who are assigned to active duty service
19 13 in the armed forces of the United States and to the
19 13 persons' family members. The sessions shall be
19 13 provided on a first come, first served basis and shall
19 13 be limited to three visits per family.

19 13 5. The remainder of the funds appropriated in this
19 13 section are transferred to the Iowa finance authority
19 13 to be used for a home ownership assistance program for
19 13 persons who are eligible members of the armed forces
19 13 of the United States. In the event an eligible member
19 13 is deceased, the surviving spouse of the eligible
19 13 member shall be eligible for a loan under the program,
19 13 subject to the surviving spouse meeting the program's
19 13 eligibility requirements other than the military
19 13 service requirement. For the purposes of this
19 13 subsection, "eligible member of the armed forces of
19 13 the United States" means a resident of this state who
19 13 is or was a member of the national guard, reserve, or
19 13 regular component of the armed forces of the United
19 13 States who has served at least ninety days of active
19 13 duty service during the period beginning September 11,
19 13 2001, and ending June 30, 2006.

19 13 Sec. _____. VETERANS HEPATITIS C AWARENESS PROGRAM
19 13 REPORT. The Iowa department of public health shall
19 13 submit a report to the members of the general assembly
19 13 by January 1, 2007, regarding the development and
19 13 distribution of the information required by the
19 13 section of this Act enacting section 135.20 and any
19 13 resulting impact.

19 14 Sec. 49. STATE FUNDING. The military service tax credits
19 15 and exemptions provided pursuant to this Act shall be funded
19 16 pursuant to chapter 426A and section 25B.7, subsection 2.

19 17 Sec. 50. EFFECTIVE DATE. This Act, being deemed of
19 18 immediate importance, takes effect upon enactment.

19 18 Sec. _____. RETROACTIVE APPLICABILITY. The section
19 18 of this Act amending 2003 Iowa Acts, chapter 179, is
19 18 retroactively applicable to May 17, 2004.

19 19 EXPLANATION

19 20 This bill makes changes relating to veterans.

19 21 The bill establishes the department of veterans affairs and
19 22 transfers most functions currently the responsibility of the
19 23 commission of veterans affairs to the department.

19 24 The bill maintains the current commission of veterans
19 25 affairs and provides that it remains responsible for adopting
19 26 most rules to establish the policy for the management and
19 27 operation of the department. Current functions performed by
19 28 the commission of veterans affairs and transferred to the
19 29 department of veterans affairs in the bill include matters

19 30 relating to the war orphans educational aid fund, state
19 31 veterans cemetery, Iowa veterans home, veterans exposure to
19 32 chemicals, high school diploma for certain veterans program,
19 33 battle flag collection, and hunting and fishing licenses for
19 34 veterans.

19 35 The bill amends the definition of "veteran" to include
20 1 members of the reserve forces of the United States and members
20 2 of the Iowa national guard who have served at least 20 years
20 3 and who continue to serve in the reserve forces or the Iowa
20 4 national guard. By operation of law, such persons will be
20 5 eligible for veterans' benefits, preferences, eligibility for
20 6 appointments, and the military service tax credit and
20 7 exemption, all as provided by Iowa law.

20 8 In response to the requirement of Code section 25B.7, the
20 9 military service tax credits and exemptions resulting from the
20 10 bill are funded as provided in Code chapter 426A.

20 11 The bill takes effect upon enactment.

20 12 LSB 1949SZ 81

20 13 sc:nh/sh/8