

shall be a commissioned officer ~~of-the-army-national-guard~~ ~~or-the-air-national-guard~~, and an assistant adjutant general for the army national guard who shall be a commissioned officer ~~of-the-army-national-guard~~, and an assistant adjutant general for the air national guard who shall be a commissioned officer ~~of-the-air-national-guard~~, upon the recommendation of the adjutant general. They shall have such rank as is consistent with federal law and regulations to and including the rank of brigadier general and at the time of their appointment shall be federally recognized commissioned officers ~~of-the-national-guard~~ with not less than five years' service ~~in-the-national-guard-or-in-the-armed-forces-of-the-United States~~, at least three years of which shall have been commissioned service and they shall have reached the grade of a field officer. ~~They shall be removed upon termination of their federal recognition.~~ They shall serve at the pleasure of the governor.

Sec. 4. Section twenty-nine A point one (29A.1), subsection eleven (11), Code 1977, is repealed.

Sec. 5. Section two (2) of this Act is effective January 1, 1980.

Approved June 22, 1978

CHAPTER 1040

DEPARTMENT OF VETERANS AFFAIRS

S. F. 264

AN ACT relating to benefits and services provided to armed forces veterans by creating the Iowa department of veterans affairs, prescribing its powers and duties and its relationship to county commissions on veterans affairs and abolishing certain bonus funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1.

1. Chapters thirty-five A (35A), thirty-five B (35B) and thirty-five C (35C), Code 1977, are repealed.

2. The World War I bonus fund created in section three (3) of chapter three hundred thirty-two (332) of the Acts of Thirty-ninth General Assembly is abolished.

Sec. 2. NEW SECTION. DEFINITIONS. For the purposes of this Act, unless the context otherwise requires:

1. "Director" means the director of the Iowa department of veterans affairs.

2. "Commission" means the commission of the Iowa department of veterans affairs.

3. "Commissioner" means a member of the commission of the Iowa department of veterans affairs.

4. "Department" means the Iowa department of veterans affairs established in section three (3) of this Act.

Sec. 3. NEW SECTION. DEPARTMENT ESTABLISHED. There is established an Iowa department of veterans affairs which shall consist of a commission, a director and additional employees as are required to carry out the provisions of this Act.

The department shall:

1. Maintain information and data concerning the military service records of Iowa veterans.

2. Assist county veterans affairs commissions established pursuant to chapter two hundred fifty (250) of the Code. The department shall draft and provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions.

3. Permanently maintain the records including certified records of bonus applications concerning the awards paid pursuant to the additional bonus and disability fund and war orphans educational fund under chapter thirty-five (35) of the Code, and awards paid pursuant to the Vietnam veterans' bonus under chapter thirty-five C (35C) of the Code.

4. Collect and maintain information concerning veterans' affairs.

5. Conduct two service schools each year for the Iowa association of county commissioners and executive secretaries.

6. Assist the United States veterans administration, the Iowa veterans home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans service records and veterans affairs data.

7. Maintain by counties a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war and whose mortal remains rest in Iowa.

Sec. 4. NEW SECTION. COMMISSION. There is established a commission within the Iowa department of veterans affairs. This commission shall consist of five persons who shall be appointed by the governor. Each commissioner shall be an

honorably discharged member of the armed forces of the United States.

Sec. 5. NEW SECTION. APPOINTMENT OF COMMISSIONERS. The American legion of Iowa; disabled American veterans department of Iowa; veterans of foreign wars department of Iowa; and American veterans of World War II, Korea and Vietnam, through their department commanders, shall submit two names respectively from their organizations to the governor. The governor may appoint from each of the organizations one representative to serve as a member of the commission. In addition, the governor shall appoint a member of the public to serve as a fifth member of the commission.

Sec. 6. NEW SECTION. TERMS AND INITIAL APPOINTMENTS. The terms of the commissioners shall be for four years. However, the initial commissioners shall serve as follows:

1. Two members shall serve until June 30, 1980.
2. Two members shall serve until June 30, 1982.
3. One member shall serve until June 30, 1984.

Sec. 7. NEW SECTION. DUTIES OF COMMISSION. The commission shall:

1. Appoint a director of the Iowa department of veterans affairs.
2. Organize and annually select a chairperson.
3. Adopt and establish policy for the operation and conduct of the department, subject to any guidelines which may be adopted by the general assembly.
4. Approve the budget of the department prior to submission to the governor.
5. Promulgate rules pursuant to chapter seventeen A (17A) of the Code concerning management of the department and rules necessary to carry out the duties and responsibilities of the department.
6. Annually visit and evaluate the Iowa veterans home.
7. Annually make a written report to the governor in the manner required by chapter seventeen (17) of the Code.
8. Administer awards concerning the additional bonus and disability fund and the war orphans educational fund.

Sec. 8. NEW SECTION. DIRECTOR DUTIES AND POWERS.

1. The director shall prepare a budget for the department and such other reports as are required by law.
2. The director shall carry out such administrative duties of the department and shall carry out the policies of the department as established by the commission.

Sec. 9. NEW SECTION. TENURE. The director shall serve

at the pleasure of the appointing authority but may be removed from office for inability or refusal to perform the duties of the office. Prior to removal from office on such grounds the individual holding the office shall be afforded a hearing before the commission.

Sec. 10. NEW SECTION. EXPENSES. The director and employees of the department shall receive in addition to salary, reimbursement for necessary travel and actual expenses incurred while engaged in the performance of official duties. The commissioners shall receive forty dollars per diem and reimbursement for necessary travel and actual expenses incurred while engaged in the performance of official duties. Per diem paid to commissioners shall be paid from funds appropriated to the department.

Sec. 11. The director of the department of general services shall transfer or exchange state property used by the bonus board to the Iowa department of veterans affairs.

Sec. 12. Section twenty-nine A point twelve (29A.12), Code 1977, is amended by striking unnumbered paragraph two (2).

Sec. 13. Section thirty-five point two (35.2), Code 1977, is amended to read as follows:

35.2 INVESTMENT OF BONUS AND DISABILITY FUND. The treasurer of state shall invest such portions of the additional bonus and disability fund created by section 8, chapter 332, Acts of the thirty-ninth general assembly, not needed for current payments awarded by the ~~bonus-board~~ commission of the Iowa department of veterans affairs.

Sec. 14. Section thirty-five point four (35.4), Code 1977, is amended to read as follows:

35.4 COLLECTION AND DISPOSITION OF INTEREST. The interest from such investments shall be collected by the treasurer of state and shall constitute a part of the additional bonus and disability fund provided by section 8, chapter 332, Acts of the thirty-ninth general assembly, to be disbursed by the treasurer of state upon the order of said ~~bonus-board~~ commission of the Iowa department of veterans affairs for the purposes prescribed in said section.

Sec. 15. Section thirty-five point five (35.5), Code 1977, is amended to read as follows:

35.5 PAYMENT OF CLAIMS. When any award from such additional bonus and disability fund is made by said ~~bonus board~~ commission of the Iowa department of veterans affairs, payment shall be made in the manner provided in section 7,

chapter 332, Acts of the thirty-ninth general assembly.

Sec. 16. Section thirty-five point six (35.6), Code 1977, is amended to read as follows:

35.6 RULES. Said bonus-board commission of the Iowa department of veterans affairs shall have power to establish such rules as the board commission deems necessary to carry out the provisions of sections 35.2 to 35.5.

Sec. 17. Section thirty-five point seven (35.7), Code 1977, is amended to read as follows:

35.7 ORPHANS EDUCATIONAL FUND. The bonus-board commission of the Iowa department of veterans affairs is hereby authorized and empowered to administer the war orphans educational aid fund as hereinafter provided.

Sec. 18. Section thirty-five point nine (35.9), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Said bonus-board commission of the Iowa department of veterans affairs is authorized to expend not to exceed four hundred dollars per year for any one child who shall have lived in the state of Iowa for two years preceding application for aid hereunder, and who is the child of a man or woman who died during World War I between the dates of April 6, 1917, and June 2, 1921, or during World War II between the dates of September 16, 1940, and December 31, 1946, both dates inclusive, or the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or the Vietnam Conflict at any time between August 5, 1964, and ~~ending-on-the-date-the-armed-forces-of-the-United-States-are directed-by-formal-order-of-the-government-of-the-United States-to-cease-hostilities~~ May 7, 1975, both dates inclusive, while serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under chapter 39, United States Code and Title 32, United States Code, sections 502 through 505, and active state service required or authorized under chapter 29A, or as a result of such service, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for such child or children incident to attendance at any educational or training institution of college grade, or in any business or vocational training school of standards approved by said bonus-board commission of the Iowa department of veterans affairs, said educational institutions to be located within the state of Iowa.

Sec. 19. Section thirty-five point ten (35.10), Code 1977, is amended to read as follows:

35.10 ELIGIBILITY AND PAYMENT OF AID. Eligibility for aid hereunder shall be determined upon application to the ~~Iowa-bonus-board~~ commission of the Iowa department of veterans affairs, whose decision shall be final. The eligibility of eligible applicants shall be certified by the ~~adjutant-general of-Iowa~~ director to the comptroller of Iowa, and all amounts that may be or may become due to any individual or any training institution under this chapter shall be paid to the individual or institution by said comptroller upon receipt by him or her of certification by the president or governing board of such educational or training institution as to accuracy of charges made, and as to the attendance of the individual at such educational or training institution. It shall be proper for the ~~bonus-board~~ commission of the Iowa department of veterans affairs to pay over said annual sum of four hundred dollars to such educational or training institution in a lump sum, or in such installments as the circumstances may warrant, upon receiving from such institution such written undertaking as the ~~bonus-board~~ commission of the Iowa department of veterans affairs may require to assure the use of said funds for such child for the authorized purposes and for no other purpose. ~~No~~ A person shall not be eligible for the benefits of this chapter until he or she shall have graduated from a high school or educational institution offering a course of training equivalent to high school training.

Sec. 20. Section two hundred fifty point one (250.1), Code 1977, is amended to read as follows:

250.1 TAX. A tax not exceeding twenty-seven cents per thousand dollars of assessed value may be levied by the board of supervisors upon all taxable property within the county, to be collected at the same time and in the same manner as other taxes, to create a veteran affairs fund for the relief benefit of, and to pay the funeral expenses of honorably discharged, indigent men and women of the United States who served in the military or naval forces of the United States in any war including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964 and ending ~~on-the-date-the-armed-forces-of-the-United States-are-directed-by-formal-order-of-the-government-of-the United States-to-cess-hostilities~~ May 7, 1975, both dates inclusive, and their indigent wives, widows and minor children

not over eighteen years of age, having a legal residence in the county.

Sec. 21. Section two hundred fifty point two (250.2), Code 1977, is amended to read as follows:

250.2 CONTROL OF FUND. Said fund shall be expended for the purposes aforesaid by the joint action and control of the board of supervisors and the county commission of veteran affairs hereinafter provided for.

Sec. 22. Section two hundred fifty point three (250.3), Code 1977, is amended to read as follows:

250.3 COUNTY COMMISSION OF VETERAN AFFAIRS. The county commission of veteran affairs shall consist of three persons, all of whom shall be honorably discharged men or women of the United States who served in the military or naval forces of the United States in any war, including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964 and ~~ending-on-the-date-the-armed forces-of-the-United-States-are-directed-by-formal-order-of-the-government-of-the-United-States-to-cease-hostilities~~ May 7, 1975, both dates inclusive. ~~Said-membership-shall-at-all times,-as-near-as-possible,-be-equally-divided~~ If possible each member of the commission shall be a veteran of a different war or conflict, so as to divide membership among the men and women who served in the-Spanish-American-War, World War I and, World War II, the Korean Conflict and Vietnam Conflict, however, this qualification shall not preclude membership to a veteran who served in more than one of the wars or conflicts.

Sec. 23. Section two hundred fifty point seven (250.7), Code 1977, is amended to read as follows:

250.7 MEETINGS--REPORT--BUDGET. The commission shall meet monthly on the first Monday and at such other times as may be necessary. At the monthly meeting it shall determine who are entitled to ~~relief~~ benefits and the probable amount required to be expended therefor. The commission shall meet annually on the second Monday in June. At such annual meeting it shall prepare an estimated budget for all expenditures to be made in the next fiscal year and certify said budget to the board of supervisors, who shall have the power and authority to approve or reduce said budget for valid reasons shown and entered of record and such decision shall be final.

Sec. 24. Section two hundred fifty point nine (250.9),

Code 1977, is amended to read as follows:

250.9 NAMES CERTIFIED--~~RELIEF~~ BENEFITS CHANGED. At each regular meeting the commission shall submit to the board of supervisors a certified list of those persons to whom ~~relief~~ has benefits have been authorized and the amounts so awarded. The amount awarded to any person may be increased, decreased, or discontinued by the commission at any meeting. New names may be added and certified thereat.

Sec. 25. Section two hundred fifty point eleven (250.11), Code 1977, is amended to read as follows:

250.11 DATA FURNISHED ~~BONUS-BOARD~~ STATE COMMISSION. The commission of veteran affairs of each county shall obtain for and transmit to the ~~state-bonus-board-created-by-chapter 35~~ commission of the state department of veterans affairs, at such time and in such manner as the ~~board~~ Iowa commission shall specify, such information as said ~~board~~ Iowa commission may request concerning any person having or claiming to have any right to award from the additional bonus and disability fund created by ~~said chapter~~ thirty-five (35) of the Code.

Sec. 26. Section two hundred fifty point twelve (250.12), Code 1977, is amended to read as follows:

250.12 ~~RELIEF~~ BENEFIT INFORMATION CONFIDENTIAL. It shall be unlawful for ~~the~~ any county board of supervisors ~~of or~~ any county ~~or-the~~ commission of veteran affairs ~~of-any-county~~ to place the administration of the duties of the county commission of veteran affairs under any other ~~relief~~ agency of any county, or to publish the names of the veterans or their families who receive ~~relief~~ benefits under the provisions of this chapter.

Sec. 27. Section two hundred fifty point thirteen (250.13), Code 1977, is amended to read as follows:

250.13 BURIAL--EXPENSES. The board shall designate some suitable person in each township to cause to be decently interred in a suitable cemetery ~~and-not-in-any-cemetery-or part-thereof-used-exclusively-for-the-burial-of-the-pauper dead~~, the body of any honorably discharged man or woman of the United States, who served in the military or naval forces of the United States during any war, including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964, and ~~ending-on-the-date the-armed-forces-of-the-United-States-are-directed-by-formal order-of-the-government-of-the-United-States-to-cease~~ hostilities May 7, 1975, both dates inclusive, or the spouse,

surviving spouse, or child of such person, if any such person has died without leaving sufficient means to defray the funeral expenses. The commission shall pay such expenses in a sum not exceeding two hundred and fifty dollars in any case.

Sec. 28. Section two hundred fifty point sixteen (250.16), Code 1977, is amended to read as follows:

250.16 MARKERS FOR GRAVES. The county commission of veteran affairs ~~in any county~~ shall, upon the petition of five ~~reputable-freeholders~~ eligible electors of any township or municipality in their county, procure for and furnish to said petitioners some suitable and appropriate metal marker at a cost not exceeding ten dollars each, for the grave of each honorably discharged man or woman of the United States, who served in the military or naval forces of the United States during any war, including the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, and including the Vietnam Conflict at any time between August 5, 1964, and ~~ending-on-the-date-the-armed forces-of-the-United-States-are-directed-by-formal-order-of-the-government-of-the-United-States-to-cease-hostilities~~ May 7, 1975, both dates inclusive, who is buried within the limits of said township or municipality, to be placed at ~~his~~ the individual's grave to permanently mark and designate said grave for memorial purposes. The expenses thereof shall be paid from any funds raised as provided in this chapter.

Sec. 29. Section two hundred fifty point nineteen (250.19), Code 1977, is amended to read as follows:

250.19 BURIAL RECORDS. The county commission of veteran affairs ~~of each county~~ shall be charged with securing the information requested by ~~the adjutant-general's office~~ the Iowa department of veterans affairs of every person having a military service record and buried in that county. Such information shall be secured from the undertaker in charge of the burial and shall be transmitted by him or her to the commission of veteran affairs of the county where burial is made and. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried, in a book as prescribed by the adjutant general and kept for that purpose in the office of the commission. This recording shall conform to the directives of the Iowa department of veterans affairs and shall be kept in a book by the county commission.

Sec. 30. Section three hundred thirty-five point four (335.4), unnumbered paragraph one (1), Code 1977, is amended

to read as follows:

The county recorder of each county in this state shall maintain in his or her office a special book or books of ~~uniform-type, kind, and form approved by the adjutant general of the state~~ in which he the recorder shall, upon request, record without charge the discharge or discharges of any man or woman who:

1. Enlisted or was inducted from said county,
2. Resided at any time in said county, or
3. Is buried in said county.

This book shall be of uniform type, kind, and form approved by the Iowa department of veterans affairs and adjutant general of the state.

Sec. 31. Sections thirty-five point one (35.1) and thirty-five C point three (35C.3), Code 1977, are repealed.

Sec. 32. The state comptroller shall allocate to the Iowa department of veterans affairs funds appropriated by the Sixty-seventh General Assembly, 1978 Session, to the bonus board for salaries, support, maintenance and miscellaneous purposes and for the war orphan's educational fund. The state comptroller shall also allocate to the Iowa department of veteran's affairs twenty-five thousand dollars of the funds appropriated by the Sixty-seventh General Assembly, 1978 Session, to the adjutant general which the department of veterans affairs shall use for graves registration.

Sec. 33. The state comptroller shall allocate to the Iowa department of veterans affairs any unencumbered funds remaining on June 30, 1978 from funds appropriated by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter thirty-one (31), section one (1), subsection two (2), paragraph b. Funds so allocated, or so much thereof as may be necessary, may be used to pay travel expenses and per diem of commission members.

Approved June 23, 1978