

**CHAPTER 1059**  
**VETERANS AFFAIRS**  
*S.F. 2038*

**AN ACT** relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

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

Section 1. Section 35A.2, Code 2011, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 3. *a.* The commissioners are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

*b.* The executive director, commandant, and employees of the department and the Iowa veterans home are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties.

*c.* All out-of-state travel by commissioners shall be approved by the chairperson of the commission.

Sec. 2. Section 35A.5, subsection 4, Code Supplement 2011, is amended to read as follows:

4. Permanently maintain the records including certified records of bonus applications for awards paid from the war orphans educational fund under chapter 35.

Sec. 3. Section 35A.5, subsection 5, Code Supplement 2011, is amended by striking the subsection and inserting in lieu thereof the following:

5. *a.* Coordinate with United States department of veterans affairs hospitals, health care facilities, and clinics in this state and the department of public health to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

*b.* The assistance program shall include but not be limited to the following:

(1) Public education and awareness programs for veterans, health care professionals, and the public, relative to the needs of veterans.

(2) Referral services to identify appropriate counseling and treatment programs for veterans in need of services.

*c.* Any assistance program established pursuant to this subsection shall be implemented in a manner that does not duplicate other services readily available to veterans.

Sec. 4. Section 35A.5, subsection 6, Code Supplement 2011, is amended to read as follows:

6. Conduct ~~two~~ one service schools ~~school~~ each year for the Iowa association of county commissioners and ~~executive directors~~ one service school for executive directors and administrators. The service school for executive directors and administrators shall provide at least sixteen continuing education units.

Sec. 5. Section 35A.8, subsections 4 and 5, Code 2011, are amended by striking the subsections.

Sec. 6. Section 35A.16, subsection 4, Code 2011, is amended to read as follows:

4. A county commission of veteran affairs training program account shall be established within the county commissions of veteran affairs fund. Any moneys remaining in the fund after the allocations under subsection 3 shall be credited to the account and used by the department to fund the county commission of veteran affairs training program under section 35A.17 and training for department personnel.

Sec. 7. **NEW SECTION. 35A.19 War orphans educational assistance fund.**

A war orphans educational assistance fund is created as a separate fund in the state treasury under the control of the department of veterans affairs. Any money appropriated

for the purpose of assisting in the education of orphaned children of veterans, as defined in section 35.1, or the education of a child as provided in section 35A.20, subsection 2, shall be deposited in the war orphans educational assistance fund. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert, but shall remain available for expenditure for purposes of this section in succeeding fiscal years.

**Sec. 8. NEW SECTION. 35A.20 Expenditure by department.**

1. a. The department may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department.

b. A child eligible to receive funds under this section shall not receive more than three thousand dollars under this subsection during the child's lifetime.

2. a. Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, and who at the time of entering into active military service had maintained the person's residence in the state for a period of at least six months immediately before entering into active military service, the department shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

b. A child eligible to receive state educational assistance under this subsection shall begin postsecondary education prior to reaching age twenty-six, shall not receive more than an amount equal to five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents during the child's lifetime, and shall, to remain eligible for assistance, meet the academic progress standards of the postsecondary educational institution. Payments for state educational assistance for a child under this subsection shall be made to the applicable postsecondary educational institution. The college student aid commission may, if requested, assist the department in administering this subsection.

**Sec. 9. NEW SECTION. 35A.21 Eligibility and payment of assistance.**

Eligibility for assistance shall be determined upon application to the department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due an individual or a training institution under this chapter shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The department of veterans affairs may pay over the annual sum set forth in section 35A.20 to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this chapter until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

Sec. 10. NEW SECTION. **35A.22 Expenses chargeable to fund.**

Any expense incurred in carrying out the provisions of sections 35A.19 through 35A.21 shall be chargeable to the war orphans educational assistance fund.

Sec. 11. Section 35D.14, Code 2011, is amended to read as follows:

**35D.14 Personnel — expenses — compensation.**

1. The commandant or the commandant's designee shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the commandant. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

2. The commandant and employees of the Iowa veterans home are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties pursuant to section ~~35A.9~~ 35A.2, subsection 3.

Sec. 12. Section 422.7, subsection 51, Code Supplement 2011, is amended by striking the subsection.

Sec. 13. REPEAL. Sections 35.8, 35.9, 35.10, 35.11, and 35.12, Code 2011, are repealed.

Sec. 14. REPEAL. Section 35A.9, Code 2011, is repealed.

Approved April 5, 2012