

FEB 7 2002
STATE GOVERNMENT

HOUSE FILE 2261
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and FORD

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

A BILL FOR

1 An Act changing the official title of the commandant of the Iowa
2 veterans home.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2261

1 Section 1. Section 35A.1, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. "Commandant" "Administrator" means the commandant
4 administrator of the Iowa veterans home appointed in section
5 35D.13.

6 Sec. 2. Section 35A.3, subsection 4, Code 2001, is amended
7 to read as follows:

8 4. Supervise the commandant's administrator's
9 administration of commission policy for the operations and
10 conduct of the Iowa veterans home.

11 Sec. 3. Section 35A.8, subsection 3, Code 2001, is amended
12 to read as follows:

13 3. Except for the employment duties and responsibilities
14 assigned to the commandant administrator for the Iowa veterans
15 home, the executive director shall employ such personnel as
16 are necessary for the performance of the duties and
17 responsibilities assigned to the commission. All employees
18 shall be selected on a basis of fitness for the work to be
19 performed with due regard to training and experience and shall
20 be subject to the provisions of chapter 19A.

21 Sec. 4. Section 35A.9, subsections 1 and 2, Code 2001, are
22 amended to read as follows:

23 1. The executive director, commandant administrator, and
24 employees of the commission and the Iowa veterans home are
25 entitled to receive, in addition to salary, reimbursement for
26 actual expenses incurred while engaged in the performance of
27 official duties.

28 2. All out-of-state travel by commissioners, the executive
29 director, the commandant administrator, or employees of the
30 commission or the Iowa veterans home shall be approved by the
31 chairperson of the commission.

32 Sec. 5. Section 35A.10, subsection 2, Code 2001, is
33 amended to read as follows:

34 2. The commandant administrator and the commission shall
35 have plans and specifications prepared by the department of

1 general services for authorized construction, repair, or
2 improvement projects in excess of twenty-five thousand
3 dollars. An appropriation for a project shall not be expended
4 until the department of general services has adopted plans and
5 specifications and has completed a detailed estimate of the
6 cost of the project, prepared under the supervision of a
7 registered architect or registered professional engineer.

8 Sec. 6. Section 35D.1, subsection 2, paragraph a, Code
9 2001, is amended to read as follows:

10 a. "Commandant" "Administrator" means the commandant
11 administrator of the Iowa veterans home appointed pursuant to
12 section 35D.13.

13 Sec. 7. Section 35D.2, subsection 1, Code 2001, is amended
14 to read as follows:

15 1. Persons described in section 35D.1 who do not have
16 sufficient means for their own support, or are disabled by
17 disease, wounds, old age, or otherwise, and are unable to earn
18 a livelihood, and who are residents of the state of Iowa on
19 the date of the application and immediately preceding the date
20 the application is accepted, may be admitted to the home as
21 members under rules adopted by the commission. Eligibility
22 determinations are subject to approval by the commandant
23 administrator.

24 Sec. 8. Section 35D.5, Code 2001, is amended to read as
25 follows:

26 35D.5 SURVIVING SPOUSES OF VETERANS.

27 If a deceased veteran, who would be entitled to admission
28 to the home if the deceased veteran were living, has left a
29 surviving spouse, the spouse is entitled to admission to the
30 home with the same rights, privileges and benefits as if the
31 veteran were living and a member of the home, if the spouse
32 was married to the veteran for at least one year immediately
33 prior to the veteran's death, is found by the commandant
34 administrator to be disabled, does not have sufficient means
35 for support and maintenance, and is a resident of the state of

1 Iowa on the date of the application and immediately preceding
2 the date the application is accepted.

3 Sec. 9. Section 35D.6, Code 2001, is amended to read as
4 follows:

5 35D.6 CERTIFICATE OF ELIGIBILITY.

6 Before admission, each applicant shall file with the
7 commandant administrator an affidavit signed by two members of
8 the commission of veteran affairs of the county in which the
9 person resides, stating that the person to the best of their
10 knowledge and belief is a resident of that county and that the
11 person is unable to earn a livelihood and the person's income,
12 exclusive of pension, compensation, war risk insurance
13 payments, or pensions or annuities under the Social Security
14 Act and the Railroad Retirement Acts, is less than is
15 sufficient to provide the type of health care necessary for
16 the person's welfare. The affidavit is conclusive evidence of
17 the residence of the person but is prima facie only in all
18 other matters affecting the eligibility of the applicant and
19 the liability of the county with respect to the expense of the
20 person for which the county may be liable. All records of
21 admission shall show the residence of the applicant.

22 Sec. 10. Section 35D.7, subsections 2 and 3, Code 2001,
23 are amended to read as follows:

24 2. Sums paid to and received by the commandant
25 administrator for the support of members of the home shall be
26 paid monthly by the commandant administrator to the treasurer
27 of state and credited to the general fund of the state.

28 3. The commandant administrator may require any member of
29 the home to render assistance in the care of the home and its
30 grounds as the member's psycho-social and physical condition
31 permit, as a phase of that member's rehabilitation program.
32 The commandant administrator shall compensate each member who
33 furnishes assistance at rates established by the commission.

34 Sec. 11. Section 35D.10, Code 2001, is amended to read as
35 follows:

1 35D.10 PAYMENT TO DEPENDENTS.

2 Except as otherwise provided in chapter 249A and other
3 provisions of this chapter, a member of the home who receives
4 a pension or compensation and who has a child, as defined in
5 section 234.1, or a spouse who is dependent upon employment or
6 others for support shall deposit with the **commandant**
7 administrator on receipt of the member's pension or
8 compensation check one-half of its amount, which shall be sent
9 at once to the spouse or, if there is no spouse, to the
10 guardian of the child. The **commandant administrator**, if
11 satisfied that the spouse has deserted the member of the home,
12 may pay the money deposited to the guardian of the child.

13 Sec. 12. Section 35D.11, Code 2001, is amended to read as
14 follows:

15 35D.11 HANDLING OF PENSION MONEY AND OTHER FUNDS.

16 1. Pension money deposited with the **commandant**
17 administrator is not assignable for any purpose except as
18 provided in sections 35D.10 and 35D.16, or in accordance with
19 subsection 2 of this section.

20 2. The **commandant administrator**, if authorized by a member
21 of the home, and pursuant to policies adopted by the
22 commission, may act on behalf of that member in receiving,
23 disbursing, and accounting for personal funds of the member
24 received from any source. The authorization may be given by
25 the member at any time and shall not be a condition of
26 admission to the home.

27 Sec. 13. Section 35D.12, Code 2001, is amended to read as
28 follows:

29 35D.12 BANK ACCOUNT FOR MEMBERS' DEPOSITS.

30 1. The Iowa veterans home, for the convenience of its
31 members, may maintain a commercial account with a federally
32 insured bank for the individual personal deposits of its
33 members. The account shall be known as the Iowa veterans home
34 membership account. The **commandant administrator** shall record
each member's personal deposits individually and shall deposit

1 the funds in the membership account, where the members'
2 deposits shall be held in the aggregate.

3 2. The commandant administrator, if authorized by a member
4 of the home, and pursuant to policies adopted by the
5 commission, may make withdrawals against that member's
6 personal account to pay regular bills and other expenses
7 incurred by the member. The authorization may be given by the
8 member at any time and shall not be a condition of admission
9 to the home.

10 Sec. 14. Section 35D.13, Code 2001, is amended to read as
11 follows:

12 35D.13 COMMANDANT ADMINISTRATOR.

13 1. The governor shall appoint a commandant an
14 administrator, subject to senate confirmation, who shall serve
15 at the pleasure of the governor as the chief executive of the
16 home. The commandant administrator shall report directly to
17 the commission and shall have the immediate custody and
18 control, subject to the orders of the commission, of all
19 property used in connection with the home.

20 2. The commandant administrator must be a resident of the
21 state of Iowa, an honorably discharged veteran who served in
22 the armed forces of the United States during a conflict or
23 war, and a licensed nursing home administrator. As used in
24 this section, the dates of service in a conflict or war shall
25 coincide with the dates of service established by the Congress
26 of the United States.

27 3. The salary of the commandant administrator shall be
28 fixed by the governor within salary guidelines or a range
29 established by the general assembly. In addition to salary,
30 the commission shall furnish the commandant administrator with
31 a dwelling house or with appropriate quarters and additional
32 allowances, as provided in section 218.14 for executive heads
33 of state institutions.

34 Sec. 15. Section 35D.14, Code 2001, is amended to read as
35 follows:

1 35D.14 PERSONNEL -- EXPENSES -- COMPENSATION.

2 The commandant administrator or the commandant's
3 administrator's designee shall employ such personnel as are
4 necessary for the performance of the duties and
5 responsibilities assigned to the commandant administrator.
6 All employees shall be selected on a basis of fitness for the
7 work to be performed with due regard to training and
8 experience and shall be subject to the provisions of chapter
9 19A.

10 The commandant administrator and employees of the Iowa
11 veterans home are entitled to receive, in addition to salary,
12 reimbursement for actual expenses incurred while engaged in
13 the performance of official duties pursuant to section 35A.9.

14 Sec. 16. Section 35D.15, Code 2001, is amended to read as
15 follows:

16 35D.15 RULES ENFORCED -- POWER TO SUSPEND AND EXPEL
17 MEMBERS.

18 The commandant administrator shall administer and enforce
19 all rules adopted by the commission, including rules of
20 discipline and, subject to these rules, may immediately
21 suspend the membership of and expel any person from the home
22 for infraction of the rules when the commandant administrator
23 determines that the health, safety, or welfare of the
24 residents of the home is in immediate danger and other
25 reasonable alternatives have been exhausted. The suspension
26 and expulsion are temporary pending action by the commission.
27 Judicial review of the action of the commission may be sought
28 in accordance with chapter 17A.

29 Sec. 17. Section 35D.17, Code 2001, is amended to read as
30 follows:

31 35D.17 REPORT BY COMMANDANT ADMINISTRATOR.

32 The commandant administrator shall, biennially, make a full
33 and detailed report to the governor, the commission, and the
34 general assembly, showing the condition of the home, the
number of members in the Iowa veterans home, the order and

1 discipline enforced, and the needs of the home financially and
2 otherwise, together with an itemized statement of all receipts
3 and disbursements and any other matters of importance in the
4 management and control of the Iowa veterans home.

5 EXPLANATION

6 This bill changes the official title of the commandant of
7 the Iowa veterans home to administrator of the Iowa veterans
8 home.

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