

FEB 14 2002  
LOCAL GOVERNMENT

HOUSE FILE 2334  
BY FINCH, EICHHORN, ALONS, and  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the county commission of veteran affairs by  
2 providing for its membership, compensation, and training, for  
3 the appointment of officers and employees of the commission,  
4 and for the powers and duties of the commission.

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

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HF 2334

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

3 35B.1 DEFINITIONS.

4 As used in this chapter, unless the context otherwise  
5 requires, ~~"book"~~:

6 1. "Book", "list", "record", or "schedule" kept by a  
7 county auditor, assessor, treasurer, recorder, sheriff, or  
8 other county officer means the county system as defined in  
9 section 445.1.

10 2. "Veteran" means a person who served on active duty in  
11 the armed forces of the United States and was discharged under  
12 honorable conditions.

13 Sec. 2. Section 35B.3, Code 2001, is amended to read as  
14 follows:

15 35B.3 COUNTY COMMISSION OF VETERAN AFFAIRS.

16 The county commission of veteran affairs shall consist of  
17 either three or five persons, as determined by the board of  
18 supervisors, all of whom shall be veterans ~~as defined in~~  
19 ~~section 35.1. If possible, each member of the commission~~  
20 ~~shall be a veteran of a different military action. However,~~  
21 ~~this qualification does not preclude membership to a veteran~~  
22 ~~who served in more than one of the military actions.~~

23 Sec. 3. Section 35B.5, Code 2001, is amended to read as  
24 follows:

25 35B.5 COMPENSATION -- MILEAGE EXPENSE.

26 A member of the commission shall receive ~~twenty-five~~ fifty  
27 dollars for each month during which the member attends one or  
28 more commission meetings and shall be reimbursed for mileage  
29 the same as a member of the board of supervisors. A member of  
30 the commission shall also receive a per diem in the same  
31 amount as paid to a member of the board of supervisors. If  
32 members of the board of supervisors do not receive a per diem,  
33 the per diem for members of the commission shall be set by the  
34 board of supervisors. Compensation, including per diem, and  
35 mileage shall be paid out of the ~~appropriation authorized~~

1 veteran affairs fund created in section 35B.14.

2 Sec. 4. Section 35B.6, subsection 1, Code 2001, is amended  
3 to read as follows:

4 1. a. The members of the commission shall qualify by  
5 taking the usual oath of office, and give bond ~~in the sum of~~  
6 ~~five-hundred-dollars-each, conditioned for the faithful~~  
7 ~~discharge of their duties with sureties to be approved by the~~  
8 county auditor as required by the board of supervisors  
9 pursuant to section 331.322, subsection 1. The commission  
10 shall organize by the selection of one of their members as  
11 chairperson, and one as secretary. ~~The commission, subject to~~  
12 ~~the approval of the board of supervisors, shall have power to~~  
13 ~~employ an executive director and other necessary~~  
14 ~~administrative or clerical assistants when needed, the~~  
15 ~~compensation of such employees to be fixed by the board of~~  
16 ~~supervisors, but no member of the commission shall be so~~  
17 employed. The commission may employ an executive director,  
18 deputy director, and other administrative or clerical  
19 assistants as needed, but a member of the commission shall not  
20 be employed in such a position. The executive director and  
21 deputy director must possess the same qualifications as  
22 provided in section 35B.3 for commission members. However, if  
23 there is no qualified veteran for a position, a qualified  
24 nonveteran shall be employed. However, this qualification  
25 requirement shall not apply to a person employed as an  
26 executive director prior to July 1, 1989. The compensation of  
27 the executive director and deputy director shall be set by the  
28 commission. The compensation of the administrative and  
29 clerical employees shall be set by the commission and the  
30 compensation shall be consistent with the compensation paid to  
31 county employees with similar administrative or clerical  
32 positions.

33 b. Upon the employment of an executive director and a  
34 deputy director, the executive director and deputy director  
35 shall complete a course of initial training provided by the

1 commission of veterans affairs pursuant to section 35A.3. If  
2 an executive director is not appointed employed, a  
3 commissioner or a an administrative or clerical assistant  
4 shall complete the course of training. The commission shall  
5 issue the executive director, deputy director, commissioner,  
6 or administrative or clerical assistant a certificate of  
7 training after completion of the initial training course. To  
8 maintain annual certification, the executive director, deputy  
9 director, commissioner, or administrative or clerical  
10 assistant shall attend one commission training course each  
11 year. Failure to maintain certification ~~may~~ shall be cause  
12 for removal from office. The expenses of training shall be  
13 paid from the ~~appropriation-authorized~~ county veteran affairs  
14 fund created in section 35B.14.

15 Sec. 5. Section 35B.6, subsections 3 and 4, Code 2001, are  
16 amended by striking the subsections.

17 Sec. 6. Section 35B.11, Code 2001, is amended to read as  
18 follows:

19 35B.11 DATA FURNISHED STATE COMMISSION.

20 The commission of veteran affairs of each county shall  
21 provide information to the state commission of veterans  
22 affairs as the state commission may reasonably request. A  
23 uniform system shall be established by the state commission of  
24 veterans affairs for the requested data.

25 Sec. 7. Section 35B.13, Code 2001, is amended to read as  
26 follows:

27 35B.13 BURIAL -- EXPENSES.

28 The commission is responsible for the interment in a  
29 suitable cemetery of the body of any veteran, ~~as-defined-in~~  
30 ~~section-35-17~~, or the spouse, surviving spouse, or child of the  
31 person, if the person has died without leaving sufficient  
32 means to defray the funeral expenses. The commission may pay  
33 the expenses in a sum not exceeding an amount established by  
34 the board of supervisors.

35 Sec. 8. Section 35B.14, Code 2001, is amended by striking

1 the section and inserting in lieu thereof the following:

2 35B.14 COUNTY VETERAN AFFAIRS FUND CREATED -- TAX LEVY --  
3 EXPENDITURE.

4 1. A county veteran affairs fund is created in each county  
5 treasury. The moneys in the county veteran affairs fund shall  
6 be used for the administration of the county commission of  
7 veteran affairs and to provide services to veterans who have  
8 legal residence in the county. The services to indigent  
9 veterans and their indigent spouses, surviving spouses, or  
10 children not over eighteen years of age having legal residence  
11 in the county, shall consist of providing food, clothing,  
12 shelter, utilities, medical benefits, funeral expenses,  
13 assistance with applications for county, state, or federal  
14 benefits, or any other needs of the indigent veterans as  
15 determined by the county commission of veteran affairs.

16 2. The county board of supervisors may levy an annual tax  
17 not exceeding twenty-seven cents per thousand dollars of  
18 assessed value of all taxable property in the county to be  
19 credited to the county veteran affairs fund for the purposes  
20 specified in subsection 1. Moneys in the county veteran  
21 affairs fund shall be expended by the joint action and control  
22 of the board of supervisors and the county commission of  
23 veteran affairs.

24 Sec. 9. Section 35B.15, Code 2001, is amended to read as  
25 follows:

26 35B.15 EXPENSES AND AUDIT.

27 Burial expenses shall be paid by the county in which the  
28 person died. If the person is a resident of a different  
29 county at the time of death, the latter county shall reimburse  
30 the county where the person died for the cost of burial. In  
31 either case, the board of supervisors of the respective  
32 counties shall audit and pay the account from the funds  
33 ~~provided-for-in-this-chapter-in-the-manner-as-other-claims-are~~  
34 ~~audited-and-paid~~ county veteran affairs fund created in  
35 section 35B.14.

1 Sec. 10. Section 35B.16, Code 2001, is amended to read as  
2 follows:

3 35B.16 MARKERS FOR GRAVES.

4 The county commission of veteran affairs ~~may~~ shall furnish  
5 a suitable and appropriate metal marker for the grave of each  
6 veteran, ~~as defined in section 35.17~~, who is buried within the  
7 limits of the county. If a veteran did not serve during a  
8 period of armed conflict or war as specified by the United  
9 States Congress, the marker shall state "United States  
10 veteran". If a veteran served during a period of armed  
11 conflict or war, the marker shall designate the war or armed  
12 conflict period in which the veteran served. The marker shall  
13 be placed at the individual's grave to permanently mark and  
14 designate the grave for memorial purposes. The expenses shall  
15 be paid from ~~any funds raised as provided in this chapter~~ the  
16 county veteran affairs fund created in section 35B.14.

17 Sec. 11. Section 35B.19, Code 2001, is amended by striking  
18 the section and inserting in lieu thereof the following:

19 35B.19 BURIAL RECORDS.

20 The funeral director or undertaker in charge of the burial  
21 of a person having a military service record shall transmit a  
22 graves registration form relating to the deceased person to  
23 the county commission of veteran affairs of the county in  
24 which the person is buried. The graves registration form  
25 shall be supplied by the county commission of veteran affairs  
26 to funeral directors or undertakers in the county. The  
27 information shall be recorded alphabetically and by  
28 description of location in the cemetery in which the deceased  
29 veteran is buried. The recording shall conform to the  
30 directives of the state commission of veterans affairs and  
31 shall be kept in a book by the county commission.

32 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
33 3, does not apply to the benefits and services available to  
34 veterans pursuant to this Act.

35 EXPLANATION

1 This bill amends Code chapter 35B relating to the  
2 membership and powers and duties of the county commissions of  
3 veteran affairs.

4 Code section 35B.1 is amended to define "veteran" to mean  
5 any person who served on active duty in the armed forces of  
6 the United States and was discharged under honorable  
7 conditions. This definition includes veterans who did not  
8 serve during a period of conflict or war as specified by the  
9 United States Congress.

10 Code section 35B.3 is amended to delete provisions which  
11 provide that members of the county commission of veteran  
12 affairs shall represent as many different military actions as  
13 possible.

14 Code section 35B.5 is amended to increase the monthly  
15 compensation for members of the county commission of veteran  
16 affairs attending meetings of the commission from \$25 to \$50.  
17 The commissioners are also entitled to a per diem in the same  
18 amount as provided to the members of the board of supervisors.  
19 If members of the board of supervisors are not paid a per  
20 diem, the board of supervisors shall set the per diem for the  
21 county commission of veteran affairs.

22 Code section 35B.6 is amended to provide that a county  
23 commissioner shall give a bond as required by the board of  
24 supervisors. The county commission is authorized to employ an  
25 executive director, a deputy director, and other  
26 administrative or clerical assistants as needed. Veterans are  
27 to be given preference for employment as executive director,  
28 deputy director, or clerical or administrative assistants.  
29 The compensation of the executive director and deputy director  
30 shall be set by the county commission. The compensation of  
31 the administrative or clerical assistants shall be set by the  
32 commission and shall be consistent with the compensation paid  
33 to county employees with similar administrative or clerical  
34 positions. The officers and employees of the county  
35 commission are to be trained and certified by the state and a

1 failure to maintain certification shall be cause for removal  
2 from office.

3 Code section 35B.6 is amended to delete two provisions  
4 which provide that the county auditor supply an administrative  
5 assistant to serve the county commission and that the office  
6 be open a minimum of four hours each day. Currently, if the  
7 minimum office hours are not maintained, the names, home  
8 addresses, telephone numbers, and duties of the county  
9 commission members shall be posted.

10 Code section 35B.11 is amended to direct the state  
11 commission of veterans affairs to establish a uniform  
12 information system for the collection of necessary information  
13 from the county commissions.

14 Code section 35B.14 is amended to create a county veteran  
15 affairs fund and authorize the imposition of a tax not  
16 exceeding \$.27 per \$1,000 of assessed value of taxable  
17 property in the county to pay the expenses of the county  
18 commission and provide services and benefits to indigent  
19 veterans and their families having legal residence in the  
20 county.

21 Code section 35B.16 is amended to provide that the county  
22 commission shall furnish a suitable and appropriate metal  
23 marker for the grave of each veteran buried in the county.  
24 The markers of wartime veterans shall indicate the war or  
25 armed conflict period during which the veteran served. The  
26 marker for peacetime veterans shall state "United States  
27 veteran".

28 Code section 35B.19 is amended to provide that the funeral  
29 director or undertaker in charge of a veteran's funeral shall  
30 transmit the completed graves registration form of the  
31 veteran's burial to the county commission.

32 Code section 25B.2, subsection 3, does not apply to  
33 benefits and services available to veterans pursuant to this  
34 bill.

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