

FEB 22 2005
Place On Calendar

HOUSE FILE 374
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 91)

Passed House, Date 3-2-05 Passed Senate, Date _____
Vote: Ayes 100 Nays 0 Vote: Ayes _____ Nays _____
Approved 5/5/05

A BILL FOR

1 An Act relating to veterans by providing for the compensation of
2 members of a county commission of veteran affairs, providing
3 for the issuance of combined hunting and fishing licenses to
4 certain veterans, concerning funds in an account for a state
5 veterans cemetery, and providing an effective date.

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

HF 374

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1 Section 1. Section 35A.3, subsection 14, Code 2005, is
2 amended to read as follows:

3 14. To establish and operate a state veterans cemetery and
4 to make application to the government of the United States or
5 any subdivision, agency, or instrumentality thereof, for funds
6 for the purpose of establishing such a cemetery. The state
7 may enter into agreements with any subdivision of the state
8 for assistance in operating the cemetery. The state shall own
9 the land on which the cemetery is located. The commission
10 shall have the authority to accept federal grant funds,
11 funding from state subdivisions, donations from private
12 sources, and federal "plot allowance" payments. All such
13 funds shall be deposited into an account dedicated to the
14 establishment, operation, and maintenance of a veterans
15 cemetery and these funds shall be expended only for those
16 purposes. The commission through the executive director shall
17 have the authority to accept suitable cemetery land, in
18 accordance with federal veterans cemetery grant guidelines,
19 from the federal government, state government, state
20 subdivisions, private sources, and any other source wishing to
21 transfer land for use as a veterans cemetery. Notwithstanding
22 section 8.33, any moneys in the account for a state veterans
23 cemetery shall not revert and, notwithstanding section 12C.7,
24 subsection 2, interest or earnings on moneys deposited in the
25 fund shall be credited to the account.

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

28 35B.5 COMPENSATION.

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

1 prisoners of war during their military service, qualify to
2 purchase a lifetime hunting and fishing combined license. The
3 bill changes the definition of "veteran" from the definition
4 contained in Code section 35.1 to instead include any Iowa
5 resident who served in the armed forces of the United States
6 for a minimum aggregate of 90 days of active federal service.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 374 - Various Veterans Affairs and Veterans Benefits (LSB 1857 HV)
Analyst: Sue Lerdal (Phone: (515) 281-7794) (sue.lerdal@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 374 relates to veterans issues, including the application of interest earnings of the Veterans Trust Fund, permitting an increase in a County Commission of Veterans Affairs per diem, and increasing the number of disabled veterans eligible for a reduced cost lifetime hunting and fishing license combination. The Bill also provides that the Veterans Trust Fund not revert at the end of a fiscal year.

Background

The interest earned from the deposits in the Veterans Trust Fund would not impact General Fund revenues. For FY 2005, \$1.0 million was appropriated from the Rebuild Iowa Infrastructure Fund for the Trust Fund.

Permitting a County Commission of Veterans Affairs to increase the per diem would not impact the General Fund. Chapter 35B, Code of Iowa, provides for the County Commissions, with either three or five members, a \$25.00 per monthly meeting per diem. The expenditures are paid from the county's budget.

Assumptions

Increasing the number of disabled veterans eligible for a reduced cost lifetime hunting and fishing license combination by the inclusion of peacetime veterans and not requiring service during a time of conflict would not impact the General Fund. Fees from these licenses are deposited into the Fish and Wildlife Trust Fund.

- The same percentage (10.0%) applying and receiving a reduced cost license of those currently eligible would apply and receive the reduced cost license from the inclusion of peacetime disabled veterans. There are an estimated 4,400 additional peacetime disabled veterans that would be eligible, with an estimated 440 applying for this benefit. The assumption is that 220 of these would currently purchase licenses without the reduced cost benefit.
- If the applicant's average age is 40 years old, and the average Iowan lifespan is 77.3 years of age, there could be 37.3 years of impact. The assumption used is 20 years of impact.
- The annual applications from the existing eligible pool of 23,694 veterans are 250. The assumption used is the same 1.0% each year for the additional eligibles, or 4 licenses per year after the first year of 440 applicants.
- The current annual cost of the license is \$42.00. The lifetime reduced license fee is \$30.

Fiscal Impact

1. Impact upon a county budget which may have a County Commission of Veterans Affairs that meets monthly would result in an increased cost to that county. An increase of \$5.00 per monthly meeting per diem for a three-member Commission would be \$180 per year and if all 99 counties had three-member Commissions that met monthly, the annual cost would be \$18,000. An increase of \$25.00 per monthly meeting for a five-member

Commission would be an increase of \$1,500 per year and if all 99 counties had five-member Commissions that met monthly, the annual cost would be \$149,000 to county budgets.

2. Impact upon the Fish and Wildlife Trust Fund from the additional reduced cost lifetime hunting and fishing licenses would depend upon the number of participants.
 - First year annual revenue to the Fish and Wildlife Trust Fund would increase from \$9,240 to \$13,200 or an increase of \$3,960.
 - Second year annual revenue to the Fish and Wildlife Trust Fund would decrease from \$9,240 to \$120, or a reduction of \$9,120.
 - Ten year cumulative impact to the Fish and Wildlife Trust Fund would be a decrease of \$78,000.

Sources

Department of Natural Resources

Commission of Veterans Affairs through the Department of Natural Resources

/s/ Holly M. Lyons

March 2, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

H-1033

1 Amend House File 374 as follows:

2 1. Page 1, by inserting after line 35 the
3 following:

4 "Sec. ____ . NEW SECTION. 135.20 HEPATITIS C
5 AWARENESS PROGRAM -- VETERANS -- VACCINATIONS.

6 1. The department shall establish and administer a
7 hepatitis C awareness program. The goal of the
8 program shall be to distribute information to veterans
9 regarding the higher incidence of hepatitis C exposure
10 and infection among veterans, the dangers presented by
11 the disease, and contacts for additional information
12 and referrals. For purposes of this section,
13 "veteran" means an individual meeting the definition
14 contained in section 35.1.

15 2. The information to be distributed shall be
16 determined by the department by rule, in consultation
17 with the commission of veterans affairs. The
18 information shall, at a minimum, contain statements
19 indicating that:

20 a. The federal department of veterans affairs
21 estimates a hepatitis C infection rate in veterans
22 more than three times higher than for the general
23 population.

24 b. The infection rate for Vietnam veterans is
25 estimated to be even higher than for other veterans
26 groups.

27 c. The disease is caused by a bloodborne virus
28 readily transmitted during combat and combat-related
29 emergency medical treatment.

30 d. Many veterans currently carrying the virus were
31 infected prior to the development of medical screening
32 tests.

33 e. The hepatitis C virus often resolves into a
34 chronic infection without symptoms for ten to thirty
35 years before signs of resultant liver disease appear.

36 f. This unusually long latency period makes it
37 difficult to connect current symptoms with an
38 infection that may have actually been contracted
39 during military service decades ago.

40 The information shall also present treatment
41 options and shall specify a procedure to be followed
42 for veterans desiring a medical consultation for
43 screening and treatment purposes. The department
44 shall cooperate with the state commission of veterans
45 affairs regarding distribution of the information to
46 the veterans home, the county commissions of veteran
47 affairs, veterans hospitals, and other appropriate
48 points of distribution."

49 2. Page 2, by inserting after line 16 the
50 following:

H-1033

H-1033

Page 2

1 "Sec. ____ . VETERANS HEPATITIS C AWARENESS PROGRAM
2 REPORT. The Iowa department of public health shall
3 submit a report to the members of the general assembly
4 by January 1, 2007, regarding the development and
5 distribution of the information required by the
6 section of this Act enacting section 135.20 and any
7 resulting impact."

8 3. Title page, line 4, by inserting after the
9 word "veterans," the following: "establishing a
10 hepatitis C awareness program for veterans,".

11 4. By renumbering as necessary.

By GREINER of Washington

H-1033 FILED FEBRUARY 23, 2005

HOUSE FILE 374
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 91)

(As Amended and Passed by the House March 2, 2005)

Re- Passed House, Date 4-27-05 Passed Senate, Date 4-20-05
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0
Approved _____ Re-passed 4-28-05 48-0

A BILL FOR

1 An Act relating to veterans by providing for the compensation of
2 members of a county commission of veteran affairs, providing
3 for the issuance of combined hunting and fishing licenses to
4 certain veterans, establishing a hepatitis C awareness program
5 for veterans, concerning funds in an account for a state
6 veterans cemetery, and providing an effective date.

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

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House Amendments _____

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1 Section 1. Section 35A.3, subsection 14, Code 2005, is
2 amended to read as follows:

3 14. To establish and operate a state veterans cemetery and
4 to make application to the government of the United States or
5 any subdivision, agency, or instrumentality thereof, for funds
6 for the purpose of establishing such a cemetery. The state
7 may enter into agreements with any subdivision of the state
8 for assistance in operating the cemetery. The state shall own
9 the land on which the cemetery is located. The commission
10 shall have the authority to accept federal grant funds,
11 funding from state subdivisions, donations from private
12 sources, and federal "plot allowance" payments. All such
13 funds shall be deposited into an account dedicated to the
14 establishment, operation, and maintenance of a veterans
15 cemetery and these funds shall be expended only for those
16 purposes. The commission through the executive director shall
17 have the authority to accept suitable cemetery land, in
18 accordance with federal veterans cemetery grant guidelines,
19 from the federal government, state government, state
20 subdivisions, private sources, and any other source wishing to
21 transfer land for use as a veterans cemetery. Notwithstanding
22 section 8.33, any moneys in the account for a state veterans
23 cemetery shall not revert and, notwithstanding section 12C.7,
24 subsection 2, interest or earnings on moneys deposited in the
25 fund shall be credited to the account.

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

28 35B.5 COMPENSATION.

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

1 Sec. 3. NEW SECTION. 135.20 HEPATITIS C AWARENESS

2 PROGRAM -- VETERANS -- VACCINATIONS.

3 1. The department shall establish and administer a
4 hepatitis C awareness program. The goal of the program shall
5 be to distribute information to veterans regarding the higher
6 incidence of hepatitis C exposure and infection among
7 veterans, the dangers presented by the disease, and contacts
8 for additional information and referrals. For purposes of
9 this section, "veteran" means an individual meeting the
10 definition contained in section 35.1.

11 2. The information to be distributed shall be determined
12 by the department by rule, in consultation with the commission
13 of veterans affairs. The information shall, at a minimum,
14 contain statements indicating that:

15 a. The federal department of veterans affairs estimates a
16 hepatitis C infection rate in veterans more than three times
17 higher than for the general population.

18 b. The infection rate for Vietnam veterans is estimated to
19 be even higher than for other veterans groups.

20 c. The disease is caused by a bloodborne virus readily
21 transmitted during combat and combat-related emergency medical
22 treatment.

23 d. Many veterans currently carrying the virus were
24 infected prior to the development of medical screening tests.

25 e. The hepatitis C virus often resolves into a chronic
26 infection without symptoms for ten to thirty years before
27 signs of resultant liver disease appear.

28 f. This unusually long latency period makes it difficult
29 to connect current symptoms with an infection that may have
30 actually been contracted during military service decades ago.

31 The information shall also present treatment options and
32 shall specify a procedure to be followed for veterans desiring
33 a medical consultation for screening and treatment purposes.

34 The department shall cooperate with the state commission of
35 veterans affairs regarding distribution of the information to

1 the veterans home, the county commissions of veteran affairs,
2 veterans hospitals, and other appropriate points of
3 distribution.

4 Sec. 4. Section 483A.24, subsection 13, Code 2005, is
5 amended to read as follows:

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

20 Sec. 5. VETERANS HEPATITIS C AWARENESS PROGRAM REPORT.
21 The Iowa department of public health shall submit a report to
22 the members of the general assembly by January 1, 2007,
23 regarding the development and distribution of the information
24 required by the section of this Act enacting section 135.20
25 and any resulting impact.

26 Sec. 6. EFFECTIVE DATE. The section of this Act amending
27 section 35A.3, being deemed of immediate importance, takes
28 effect upon enactment.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 374 - Various Veterans Affairs and Veterans Benefits (LSB 1857 HV)
Analyst: Sue Lerdal (Phone: (515) 281-7794) (sue.lerdal@legis.state.ia.us)
Fiscal Note Version – HV.1

Description

House File 374 relates to veterans issues, including the application of interest earnings of the Veterans Trust Fund, permitting an increase in a County Commission of Veterans Affairs per diem, and increasing the number of disabled veterans eligible for a reduced cost lifetime hunting and fishing license combination. The Bill also provides that the Veterans Trust Fund not revert at the end of a fiscal year and that the Department of Public Health create a Hepatitis C Awareness Program for veterans.

Background

Veterans Trust Fund: The interest earned from the deposits in the Veterans Trust Fund would not impact General Fund revenues. For FY 2005, \$1.0 million was appropriated from the Rebuild Iowa Infrastructure Fund for the Trust Fund.

Veteran Commissioners Per Diem: Permitting a County Commission of Veterans Affairs to increase the per diem would not impact the General Fund. Chapter 35B, Code of Iowa, provides for the County Commissions, with either three or five members, a \$25.00 per monthly meeting per diem. The expenditures are paid from the county's budget.

Hepatitis C Awareness Program: The Department of Public Health is required to create a Hepatitis C Awareness Program for veterans. The Department plans to exceed the requirements in the Bill. The assumptions and fiscal impact reflect the actual cost for the requirements in the Bill.

The Bill requires the Department to distribute information to veterans relating to certain facts regarding Hepatitis C and presenting treatment options and procedures for veterans to follow when desiring a medical consultation. The Bill requires the Department to cooperate with veterans' entities to distribute the information. A report is required in January 2007.

The Department of Public Health is receiving federal funds relating to Hepatitis but the Awareness Program in the Bill is beyond the scope of the federal funding. To implement the Bill, the Department of Public Health plans to acquire and analyze incidence and geographic information, provide training to health care providers regarding transmission, treatment, testing, prevention, and referral information regarding Hepatitis by providing written material and travel expenditures. The Department plans to reinstate and expand a previously created Viral Hepatitis Task Force to meet quarterly to assist the Department in development of the information and training.

Assumptions

Hunting and Fishing Licenses: Increasing the number of disabled veterans eligible for a reduced cost lifetime hunting and fishing license combination by the inclusion of peacetime veterans and not requiring service during a time of conflict would not impact the General Fund. Fees from these licenses are deposited into the Fish and Wildlife Trust Fund.

- The same percentage (10.0%) applying and receiving a reduced cost license of those currently eligible would apply and receive the reduced cost license from the inclusion of peacetime disabled veterans. There are an estimated 4,400 additional peacetime disabled veterans that would be eligible, with an estimated 440 applying for this benefit. The

assumption is that 220 of these would currently purchase licenses without the reduced cost benefit.

- If the applicant's average age is 40 years old, and the average Iowan lifespan is 77.3 years of age, there could be 37.3 years of impact. The assumption used is 20 years of impact.
- The annual applications from the existing eligible pool of 23,694 veterans are 250. The assumption used is the same 1.0% each year for the additional eligibles, or 4 licenses per year after the first year of 440 applicants.
- The current annual cost of the license is \$42.00. The lifetime reduced license fee is \$30.

Hepatitis C: To meet the Bill's requirements, the Department will need a 0.25 to 0.50 FTE position to gather Hepatitis factual information regarding treatment options and procedures for veterans to follow when seeking a medical consultation and to cooperate with the specified veterans entities in distributing that information.

Fiscal Impact

General Fund Impact:

Additional costs to the Department of Public Health would be a partial FTE position and development and distribution of written information for the Hepatitis C Awareness Program. This would be \$35,000 without the training and Task Force.

Non-General Fund Impact:

Local: Impact upon a county budget which may have a County Commission of Veterans Affairs that meets monthly would result in an increased cost to that county. An increase of \$5.00 per monthly meeting per diem for a three-member Commission would be \$180 per year and if all 99 counties had three-member Commissions that met monthly, the annual cost would be \$18,000. An increase of \$25.00 per monthly meeting for a five-member Commission would be an increase of \$1,500 per year and if all 99 counties had five-member Commissions that met monthly, the annual cost would be \$149,000 to county budgets.

Other: Impact upon the Fish and Wildlife Trust Fund from the additional reduced cost lifetime hunting and fishing licenses would depend upon the number of participants.

- First year annual revenue to the Fish and Wildlife Trust Fund would increase from \$9,240 to \$13,200 or an increase of \$3,960.
- Second year annual revenue to the Fish and Wildlife Trust Fund would decrease from \$9,240 to \$120, or a reduction of \$9,120.
- Ten year cumulative impact to the Fish and Wildlife Trust Fund would be a decrease of \$78,000.

Sources

Department of Natural Resources
Commission of Veterans Affairs through the Department of Natural Resources
Department of Public Health

/s/ Holly M. Lyons

March 14, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

S-3118

1 Amend House File 374, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 7E.5, subsection 1, paragraph
6 v, Code 2005, is amended to read as follows:

7 v. The department of veterans affairs. However,
8 the commission of veterans affairs, which has created
9 in section 35A.2 shall have primary responsibility for
10 state veterans affairs.

11 Sec. 2. Section 35.1, subsection 1, Code 2005, is
12 amended to read as follows:

13 1. ~~"Commission"~~ "Department" means the ~~commission~~
14 Iowa department of veterans affairs created in section
15 ~~35A.2~~ 35A.4.

16 Sec. 3. Section 35.1, subsection 2, paragraph b,
17 subparagraphs (1) and (2), Code 2005, are amended to
18 read as follows:

19 (1) Former members of the reserve forces of the
20 United States who served at least twenty years in the
21 reserve forces ~~after January 28, 1973,~~ and who were
22 discharged under honorable conditions. However, a
23 member of the reserve forces of the United States who
24 completed a minimum aggregate of ninety days of active
25 federal service, other than training, and was
26 discharged under honorable conditions, or was retired
27 under Title X of the United States Code shall be
28 included as a veteran.

29 (2) Former members of the Iowa national guard who
30 served at least twenty years in the Iowa national
31 guard ~~after January 28, 1973,~~ and who were discharged
32 under honorable conditions. However, a member of the
33 Iowa national guard who was activated for federal
34 duty, other than training, for a minimum aggregate of
35 ninety days, and was discharged under honorable
36 conditions or was retired under Title X of the United
37 States Code shall be included as a veteran.

38 Sec. 4. Section 35.1, subsection 2, paragraph b,
39 Code 2005, is amended by adding the following new
40 subparagraphs:

41 NEW SUBPARAGRAPH. (6) Members of the reserve
42 forces of the United States who have served at least
43 twenty years in the reserve forces and who continue to
44 serve in the reserve forces.

45 NEW SUBPARAGRAPH. (7) Members of the Iowa
46 national guard who have served at least twenty years
47 in the Iowa national guard and who continue to serve
48 in the Iowa national guard.

49 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN
50 STATUS FOR CERTAIN VETERANS.

S-3118

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

11 Sec. 6. Section 35.8, Code 2005, is amended to
12 read as follows:

13 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

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

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

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

40 Sec. 8. Section 35.10, Code 2005, is amended to
41 read as follows:

42 35.10 ELIGIBILITY AND PAYMENT OF AID.

43 Eligibility for aid shall be determined upon
44 application to the ~~commission~~ department of veterans
45 affairs, whose decision is final. The eligibility of
46 eligible applicants shall be certified by the
47 ~~commission~~ department of veterans affairs to the
48 director of the department of administrative services,
49 and all amounts that are or become due to an
50 individual or a training institution under this

1 chapter shall be paid to the individual or institution
2 by the director of the department of administrative
3 services upon receipt by the director of certification
4 by the president or governing board of the educational
5 or training institution as to accuracy of charges
6 made, and as to the attendance of the individual at
7 the educational or training institution. The
8 ~~commission~~ department of veterans affairs may pay over
9 the annual sum of four hundred dollars to the
10 educational or training institution in a lump sum, or
11 in installments as the circumstances warrant, upon
12 receiving from the institution such written
13 undertaking as the ~~commission~~ department may require
14 to assure the use of funds for the child for the
15 authorized purposes and for no other purpose. A
16 person is not eligible for the benefits of this
17 chapter until the person has graduated from a high
18 school or educational institution offering a course of
19 training equivalent to high school training.

20 Sec. 9. Section 35A.1, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3A. "Department" means the Iowa
23 department of veterans affairs established in section
24 35A.4.

25 Sec. 10. Section 35A.3, subsections 2 and 3, Code
26 2005, are amended to read as follows:

27 2. Adopt rules pursuant to chapter 17A and
28 establish policy for the management and operation of
29 the department and the commission.

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

33 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9,
34 10, 11, 12, and 14, Code 2005, are amended by striking
35 the subsections.

36 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT
37 ESTABLISHED.

38 There is established an Iowa department of veterans
39 affairs which shall consist of a commission, an
40 executive director, and any additional personnel as
41 employed by the executive director.

42 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE
43 DEPARTMENT.

44 The department shall do all of the following:

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

47 2. Assist county veteran affairs commissions
48 established pursuant to chapter 35B. The department
49 shall provide to county commissions suggested uniform
50 benefits and administrative procedures for carrying

1 out the functions and duties of the county
2 commissions.
3 3. Permanently maintain the records including
4 certified records of bonus applications for awards
5 paid from the war orphans educational fund under
6 chapter 35.
7 4. Collect and maintain information concerning
8 veterans affairs.
9 5. Conduct two service schools each year for the
10 Iowa association of county commissioners and executive
11 directors.
12 6. Assist the United States veterans
13 administration, the Iowa veterans home, funeral
14 directors, and federally chartered veterans service
15 organizations in providing information concerning
16 veterans service records and veterans affairs data.
17 7. Maintain alphabetically a permanent registry of
18 the graves of all persons who served in the military
19 or naval forces of the United States in time of war
20 and whose mortal remains rest in Iowa.
21 8. Provide training to executive directors of
22 county commissions of veteran affairs pursuant to
23 section 35B.6. The commission may adopt rules in
24 accordance with chapter 17A to provide for training of
25 county veteran affairs executive directors.
26 9. Establish and operate a state veterans cemetery
27 and make application to the government of the United
28 States or any subdivision, agency, or instrumentality
29 thereof, for funds for the purpose of establishing
30 such a cemetery. The state may enter into agreements
31 with any subdivision of the state for assistance in
32 operating the cemetery. The state shall own the land
33 on which the cemetery is located. The department
34 shall have the authority to accept federal grant
35 funds, funding from state subdivisions, donations from
36 private sources, and federal "plot allowance"
37 payments. All such funds shall be deposited into an
38 account dedicated to the establishment, operation, and
39 maintenance of a veterans cemetery and these funds
40 shall be expended only for those purposes. The
41 department through the director shall have the
42 authority to accept suitable cemetery land, in
43 accordance with federal veterans cemetery grant
44 guidelines, from the federal government, state
45 government, state subdivisions, private sources, and
46 any other source wishing to transfer land for use as a
47 veterans cemetery. Notwithstanding section 8.33, any
48 moneys in the account for a state veterans cemetery
49 shall not revert and, notwithstanding section 12C.7,
50 subsection 2, interest or earnings on moneys deposited

1 chapter shall be paid to the individual or institution
2 by the director of the department of administrative
3 services upon receipt by the director of certification
4 by the president or governing board of the educational
5 or training institution as to accuracy of charges
6 made, and as to the attendance of the individual at
7 the educational or training institution. The
8 ~~commission~~ department of veterans affairs may pay over
9 the annual sum of four hundred dollars to the
10 educational or training institution in a lump sum, or
11 in installments as the circumstances warrant, upon
12 receiving from the institution such written
13 undertaking as the ~~commission~~ department may require
14 to assure the use of funds for the child for the
15 authorized purposes and for no other purpose. A
16 person is not eligible for the benefits of this
17 chapter until the person has graduated from a high
18 school or educational institution offering a course of
19 training equivalent to high school training.

20 Sec. 9. Section 35A.1, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3A. "Department" means the Iowa
23 department of veterans affairs established in section
24 35A.4.

25 Sec. 10. Section 35A.3, subsections 2 and 3, Code
26 2005, are amended to read as follows:

27 2. Adopt rules pursuant to chapter 17A and
28 establish policy for the management and operation of
29 the department and the commission.

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

33 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9,
34 10, 11, 12, and 14, Code 2005, are amended by striking
35 the subsections.

36 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT
37 ESTABLISHED.

38 There is established an Iowa department of veterans
39 affairs which shall consist of a commission, an
40 executive director, and any additional personnel as
41 employed by the executive director.

42 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE
43 DEPARTMENT.

44 The department shall do all of the following:

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

47 2. Assist county veteran affairs commissions
48 established pursuant to chapter 35B. The department
49 shall provide to county commissions suggested uniform
50 benefits and administrative procedures for carrying

- 1 out the functions and duties of the county
- 2 commissions.
- 3 3. Permanently maintain the records including
- 4 certified records of bonus applications for awards
- 5 paid from the war orphans educational fund under
- 6 chapter 35.
- 7 4. Collect and maintain information concerning
- 8 veterans affairs.
- 9 5. Conduct two service schools each year for the
- 10 Iowa association of county commissioners and executive
- 11 directors.
- 12 6. Assist the United States veterans
- 13 administration, the Iowa veterans home, funeral
- 14 directors, and federally chartered veterans service
- 15 organizations in providing information concerning
- 16 veterans service records and veterans affairs data.
- 17 7. Maintain alphabetically a permanent registry of
- 18 the graves of all persons who served in the military
- 19 or naval forces of the United States in time of war
- 20 and whose mortal remains rest in Iowa.
- 21 8. Provide training to executive directors of
- 22 county commissions of veteran affairs pursuant to
- 23 section 35B.6. The commission may adopt rules in
- 24 accordance with chapter 17A to provide for training of
- 25 county veteran affairs executive directors.
- 26 9. Establish and operate a state veterans cemetery
- 27 and make application to the government of the United
- 28 States or any subdivision, agency, or instrumentality
- 29 thereof, for funds for the purpose of establishing
- 30 such a cemetery. The state may enter into agreements
- 31 with any subdivision of the state for assistance in
- 32 operating the cemetery. The state shall own the land
- 33 on which the cemetery is located. The department
- 34 shall have the authority to accept federal grant
- 35 funds, funding from state subdivisions, donations from
- 36 private sources, and federal "plot allowance"
- 37 payments. All such funds shall be deposited into an
- 38 account dedicated to the establishment, operation, and
- 39 maintenance of a veterans cemetery and these funds
- 40 shall be expended only for those purposes. The
- 41 department through the director shall have the
- 42 authority to accept suitable cemetery land, in
- 43 accordance with federal veterans cemetery grant
- 44 guidelines, from the federal government, state
- 45 government, state subdivisions, private sources, and
- 46 any other source wishing to transfer land for use as a
- 47 veterans cemetery. Notwithstanding section 8.33, any
- 48 moneys in the account for a state veterans cemetery
- 49 shall not revert and, notwithstanding section 12C.7,
- 50 subsection 2, interest or earnings on moneys deposited

1 commissioner or a clerical assistant shall complete
2 the course of training. The ~~commission~~ department
3 shall issue the executive director, commissioner, or
4 clerical assistant a certificate of training after
5 completion of the initial training course. To
6 maintain annual certification, the executive director,
7 commissioner, or clerical assistant shall attend one
8 ~~commission~~ department training course each year.
9 Failure to maintain certification may be cause for
10 removal from office. The expenses of training shall
11 be paid from the appropriation authorized in section
12 35B.14.

13 Sec. 18. Section 35B.11, Code 2005, is amended to
14 read as follows:

15 35B.11 DATA FURNISHED ~~STATE COMMISSION~~ IOWA
16 DEPARTMENT OF VETERANS AFFAIRS.

17 The commission of veteran affairs of each county
18 shall provide information to the ~~state commission~~
19 department of veterans affairs as the ~~state commission~~
20 department may request.

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

23 35B.19 BURIAL RECORDS.

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

38 Sec. 20. Section 36.1, subsection 3, Code 2005, is
39 amended to read as follows:

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

42 Sec. 21. Section 36.1, Code 2005, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 3A. "Department" means the
45 department of veterans affairs established in section
46 35A.4.

47 Sec. 22. Section 36.2, Code 2005, is amended to
48 read as follows:

49 36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~
50 DEPARTMENT.

1 A licensed physician, as defined in section 135.1,
2 subsection 4, who treats a veteran the physician
3 believes may have been exposed to chemicals while
4 serving in the armed forces of the United States shall
5 submit a report indicating that information to the
6 ~~commission~~ department at the request of the veteran
7 pursuant to section 36.3.

8 Sec. 23. Section 36.3, Code 2005, is amended to
9 read as follows:

10 36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

11 The ~~commission~~ department shall:

12 1. Provide the forms for the reports required in
13 section 36.2. The report form shall require the
14 doctor to provide all of the following:

15 a. Symptoms of the veteran which may be related to
16 exposure to chemicals.

17 b. Diagnosis of the veteran.

18 c. Methods of treatment prescribed.

19 2. Annually compile and evaluate the information
20 submitted in the reports pursuant to subsection 1, in
21 consultation and cooperation with a certified medical
22 toxicologist selected by the ~~commission~~ department.

23 The ~~commission~~ department shall submit the report to
24 the governor, the general assembly, and the United
25 States veterans' administration. The report shall
26 include current research data on the effects of
27 exposure to chemicals, statistical information
28 received from individual physicians' reports, and
29 statistical information from the epidemiological
30 investigations pursuant to subsection 3.

31 3. Conduct epidemiological investigations of
32 veterans who have cancer or other medical problems or
33 who have children born with birth defects associated
34 with exposure to chemicals, in consultation and
35 cooperation with a certified medical toxicologist
36 selected by the ~~commission~~ department. The ~~commission~~
37 department shall obtain consent from a veteran before
38 conducting the investigations.

39 The ~~commission~~ department shall cooperate with
40 local and state agencies during the course of an
41 investigation.

42 Sec. 24. Section 36.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:

44 The ~~commission~~ department shall not identify a
45 veteran consenting to the epidemiological
46 investigations pursuant to section 36.3, subsection 3,
47 unless the veteran consents to the release of
48 identity. The statistical information compiled by the
49 ~~commission~~ department pursuant to section 36.3 is a
50 public record.

1 Sec. 25. Section 36.6, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:

3 The ~~commission~~ department and appropriate medical
4 facilities at the state university of Iowa under the
5 control of the state board of regents shall institute
6 a cooperative program to:

7 Sec. 26. Section 36.7, Code 2005, is amended to
8 read as follows:

9 36.7 FEDERAL PROGRAM.

10 If the ~~commission~~ department or the general
11 assembly determines that an agency of the federal
12 government or the state of Iowa is providing the
13 referral and genetic services pursuant to section
14 36.6, the ~~commission~~ department or the general
15 assembly by specific action may discontinue all or
16 part of the services and requirements in this chapter.

17 Sec. 27. NEW SECTION. 135.20 HEPATITIS C
18 AWARENESS PROGRAM -- VETERANS -- VACCINATIONS.

19 1. The department shall establish and administer a
20 hepatitis C awareness program. The goal of the
21 program shall be to distribute information to veterans
22 regarding the higher incidence of hepatitis C exposure
23 and infection among veterans, the dangers presented by
24 the disease, and contacts for additional information
25 and referrals. For purposes of this section,
26 "veteran" means an individual meeting the definition
27 contained in section 35.1.

28 2. The information to be distributed shall be
29 determined by the department by rule, in consultation
30 with the commission of veterans affairs. The
31 information shall, at a minimum, contain statements
32 indicating that:

33 a. The federal department of veterans affairs
34 estimates a hepatitis C infection rate in veterans
35 more than three times higher than for the general
36 population.

37 b. The infection rate for Vietnam veterans is
38 estimated to be even higher than for other veterans
39 groups.

40 c. The disease is caused by a bloodborne virus
41 readily transmitted during combat and combat-related
42 emergency medical treatment.

43 d. Many veterans currently carrying the virus were
44 infected prior to the development of medical screening
45 tests.

46 e. The hepatitis C virus often resolves into a
47 chronic infection without symptoms for ten to thirty
48 years before signs of resultant liver disease appear.

49 f. This unusually long latency period makes it
50 difficult to connect current symptoms with an

1 infection that may have actually been contracted
2 during military service decades ago.

3 The information shall also present treatment
4 options and shall specify a procedure to be followed
5 for veterans desiring a medical consultation for
6 screening and treatment purposes. The department
7 shall cooperate with the state commission of veterans
8 affairs regarding distribution of the information to
9 the veterans home, the county commissions of veteran
10 affairs, veterans hospitals, and other appropriate
11 points of distribution.

12 Sec. 28. Section 135C.31A, Code 2005, is amended
13 to read as follows:

14 135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM
15 ELIGIBILITY.

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

38 Sec. 29. Section 256.9, subsection 48, Code 2005,
39 is amended to read as follows:

40 48. Develop and administer, with the cooperation
41 of the ~~commission~~ department of veterans affairs, a
42 program which shall be known as operation recognition.
43 The purpose of the program is to award high school
44 diplomas to veterans of World War I, World War II, and
45 the Korean and Vietnam conflicts who left high school
46 prior to graduation to enter United States military
47 service. The department of education and the
48 ~~commission~~ department of veterans affairs shall
49 jointly develop an application procedure, distribute
50 applications, and publicize the program to school

1 districts, accredited nonpublic schools, county
2 commissions of veteran affairs, veterans
3 organizations, and state, regional, and local media.
4 All honorably discharged veterans who are residents or
5 former residents of the state; who served at any time
6 between April 6, 1917, and November 11, 1918, at any
7 time between September 16, 1940, and December 31,
8 1946, at any time between June 25, 1950, and January
9 31, 1955, or at any time between February 28, 1961,
10 and May 5, 1975, all dates inclusive; and who did not
11 return to school and complete their education after
12 the war or conflict shall be eligible to receive a
13 diploma. Diplomas may be issued posthumously. Upon
14 approval of an application, the department shall issue
15 an honorary high school diploma for an eligible
16 veteran. The diploma shall indicate the veteran's
17 school of attendance. The department of education and
18 the ~~commission~~ department of veterans affairs shall
19 work together to provide school districts, schools,
20 communities, and county commissions of veteran affairs
21 with information about hosting a diploma ceremony on
22 or around Veterans Day. The diploma shall be mailed
23 to the veteran or, if the veteran is deceased, to the
24 veteran's family.

25 Sec. 30. Section 303.2, subsection 2, paragraph k,
26 Code 2005, is amended to read as follows:

27 k. Administer, preserve, and interpret the battle
28 flag collection assembled by the state in consultation
29 and coordination with the ~~commission~~ department of
30 veterans affairs and the department of administrative
31 services. A portion of the battle flag collection
32 shall be on display at the state capitol and the state
33 historical building at all times, unless on loan
34 approved by the department of cultural affairs.

35 Sec. 31. Section 331.608, subsection 6, paragraph
36 e, Code 2005, is amended to read as follows:

37 e. When otherwise required by a department or
38 agency of the federal or state government or a
39 political subdivision. The recorder shall make these
40 records available to the ~~commission~~ department of
41 veterans affairs. The ~~commission~~ department of
42 veterans affairs and its employees shall be subject to
43 the same state and federal confidentiality
44 restrictions and requirements that are imposed on the
45 recorder.

46 Sec. 32. Section 426A.13, unnumbered paragraphs 1
47 through 3, Code 2005, are amended to read as follows:

48 A person named in section 426A.11, who is a
49 resident of and domiciled in the state of Iowa, shall
50 receive a reduction equal to the exemption, to be made

1 from any property owned by the person or owned by a
2 family farm corporation of which the person is a
3 shareholder and who occupies the property and so
4 designated by proceeding as provided in the section.
5 To be eligible to receive the exemption the person
6 claiming it shall have recorded in the office of the
7 county recorder of the county in which is located the
8 property designated for the exemption, evidence of
9 property ownership by that person or the family farm
10 corporation of which the person is a shareholder and
11 the military certificate of satisfactory service,
12 order transferring to inactive status, reserve,
13 retirement, order of separation from service,
14 honorable discharge or a copy of any of these
15 documents of the person claiming or through whom is
16 claimed the exemption. In the case of a person
17 claiming the exemption for currently serving in the
18 reserve forces of the United States or the Iowa
19 national guard, the person shall file the statement
20 required by section 35.2.

21 The person shall file with the appropriate assessor
22 on forms obtained from the assessor the claim for
23 exemption for the year for which the person is first
24 claiming the exemption. The claim shall be filed not
25 later than July 1 of the year for which the person is
26 claiming the exemption. The claim shall set out the
27 fact that the person is a resident of and domiciled in
28 the state of Iowa, and a person within the terms of
29 section 426A.11, and shall give the volume and page on
30 which the certificate of satisfactory service, order
31 of separation, retirement, furlough to reserve,
32 inactive status, or honorable discharge or certified
33 copy thereof is recorded in the office of the county
34 recorder, and may include the designation of the
35 property from which the exemption is to be made, and
36 shall further state that the claimant is the equitable
37 or legal owner of the property designated or if the
38 property is owned by a family farm corporation, that
39 the person is a shareholder of that corporation and
40 that the person occupies the property. In the case of
41 a person claiming the exemption for currently serving
42 in the reserve forces of the United States or the Iowa
43 national guard, the person shall file the statement
44 required by section 35.2.

45 Upon the filing and allowance of the claim, the
46 claim shall be allowed to that person for successive
47 years without further filing. However, in the case of
48 a person currently serving in the reserve forces of
49 the United States or the Iowa national guard, such
50 person shall file each year to be eligible to obtain

1 affairs, are to be considered employees of the state,
2 whether the personnel are employed on a full-time
3 basis or render services on a part-time basis on a fee
4 schedule or other arrangement. Criminal defendants
5 while performing unpaid community service ordered by
6 the district court, board of parole, or judicial
7 district department of correctional services, or an
8 inmate providing services pursuant to a chapter 28E
9 agreement entered into pursuant to section 904.703,
10 and persons supervising those inmates under and
11 according to the terms of the chapter 28E agreement,
12 are to be considered employees of the state.

13 Sec. 35. 2003 Iowa Acts, chapter 179, section 21,
14 subsections 2 and 5, as enacted by 2005 Iowa Acts,
15 Senate File 75, section 1, are amended to read as
16 follows:

17 2. Of the funds appropriated in this section,
18 \$10,000 is transferred to the Iowa department of
19 ~~public health~~ human services for allocation to
20 community mental health centers to provide counseling
21 services to persons, whether or not employed by the
22 state, who are members of the national guard or
23 reservists and who are assigned to active duty service
24 in the armed forces of the United States and to the
25 persons' family members. The sessions shall be
26 provided on a first come, first served basis and shall
27 be limited to three visits per family.

28 5. The remainder of the funds appropriated in this
29 section are transferred to the Iowa finance authority
30 to be used for a home ownership assistance program for
31 persons who are eligible members of the armed forces
32 of the United States. In the event an eligible member
33 is deceased, the surviving spouse of the eligible
34 member shall be eligible for a loan under the program,
35 subject to the surviving spouse meeting the program's
36 eligibility requirements other than the military
37 service requirement. For the purposes of this
38 subsection, "eligible member of the armed forces of
39 the United States" means a resident of this state who
40 is or was a member of the national guard, reserve, or
41 regular component of the armed forces of the United
42 States who has served at least ninety days of active
43 duty service during the period beginning September 11,
44 2001, and ending June 30, 2006.

45 Sec. 36. VETERANS HEPATITIS C AWARENESS PROGRAM
46 REPORT. The Iowa department of public health shall
47 submit a report to the members of the general assembly
48 by January 1, 2007, regarding the development and
49 distribution of the information required by the
50 section of this Act enacting section 135.20 and any

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 374

S-3194

1 Amend the Senate amendment, H-1437, to House File
2 374, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking lines 31 and 32, and
5 inserting the following: "and other employees as the
6 ~~commission shall deem necessary to carry out the~~
7 ~~duties of the commission department.~~"

8 2. Page 10, by inserting after line 45, the
9 following:

10 "Sec. ____ . Section 426A.11, Code 2005, is amended
11 by adding the following new subsection:

12 NEW SUBSECTION. 2A. For purposes of this chapter,
13 unless the context otherwise requires, "veteran" also
14 means a resident of this state who is a former member
15 of the armed forces of the United States and who
16 served for a minimum aggregate of three years and who
17 was discharged under honorable conditions.

18 Sec. ____ . Section 426A.12, Code 2005, is amended
19 to read as follows:

20 426A.12 EXEMPTIONS TO RELATIVES.

21 In case any person in the foregoing classifications
22 does not claim the exemption from taxation, it shall
23 be allowed in the name of the person to the same
24 extent on the property of any one of the following
25 persons in the order named:

26 1. The spouse, or surviving spouse remaining
27 unmarried, of a veteran, as defined in this chapter or
28 in section 35.1, where they are living together or
29 were living together at the time of the death of the
30 veteran.

31 2. The parent whose spouse is deceased and who
32 remains unmarried, of a veteran, as defined in this
33 chapter or in section 35.1, whether living or
34 deceased, where the parent is, or was at the time of
35 death of the veteran, dependent on the veteran for
36 support.

37 3. The minor child, or children owning property as
38 tenants in common, of a deceased veteran, as defined
39 in this chapter or in section 35.1.

40 No more than one tax exemption shall be allowed
41 under this section or section 426A.11 in the name of a
42 veteran, as defined in this chapter or in section
43 35.1."

44 3. Page 10, line 47, by striking the word and
45 figure "through 3," and inserting the following: "and
46 2,".

47 4. By striking page 11, line 45, through page 12,
48 line 15.

49 5. Page 14, by striking line 9, and inserting the
50 following:

S-3194

1 "Sec. ____ . APPLICABILITY DATES."

2 6. Page 14, line 10, by inserting before the word
3 "of" the following:

4 "1. The section".

5 7. Page 14, by inserting after line 11, the
6 following:

7 "2. The sections of this Act relating to military
8 service tax credits and exemptions apply to military
9 service tax credits and exemptions for taxes due and
10 payable for fiscal years beginning on or after July 1,
11 2005."

12 8. Page 14, by striking lines 15 through 18, and
13 inserting the following: "modifying the definition of
14 veteran for property taxation and certain other
15 purposes,".

16 9. Page 14, by striking lines 23 and 24, and
17 inserting the following: "word "date" the following:
18 "and retroactive and other applicability dates"."

19 10. By renumbering as necessary.

RECEIVED FROM THE HOUSE

SENATE AMENDMENT TO
HOUSE FILE 374

H-1437

1 Amend House File 374, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 7E.5, subsection 1, paragraph
6 v, Code 2005, is amended to read as follows:

7 v. The department of veterans affairs. However,
8 the commission of veterans affairs, which has created
9 in section 35A.2 shall have primary responsibility for
10 state veterans affairs.

11 Sec. 2. Section 35.1, subsection 1, Code 2005, is
12 amended to read as follows:

13 1. ~~"Commission"~~ "Department" means the ~~commission~~
14 Iowa department of veterans affairs created in section
15 ~~35A.2~~ 35A.4.

16 Sec. 3. Section 35.1, subsection 2, paragraph b,
17 subparagraphs (1) and (2), Code 2005, are amended to
18 read as follows:

19 (1) Former members of the reserve forces of the
20 United States who served at least twenty years in the
21 reserve forces ~~after January 28, 1973,~~ and who were
22 discharged under honorable conditions. However, a
23 member of the reserve forces of the United States who
24 completed a minimum aggregate of ninety days of active
25 federal service, other than training, and was
26 discharged under honorable conditions, or was retired
27 under Title X of the United States Code shall be
28 included as a veteran.

29 (2) Former members of the Iowa national guard who
30 served at least twenty years in the Iowa national
31 guard ~~after January 28, 1973,~~ and who were discharged
32 under honorable conditions. However, a member of the
33 Iowa national guard who was activated for federal
34 duty, other than training, for a minimum aggregate of
35 ninety days, and was discharged under honorable
36 conditions or was retired under Title X of the United
37 States Code shall be included as a veteran.

38 Sec. 4. Section 35.1, subsection 2, paragraph b,
39 Code 2005, is amended by adding the following new
40 subparagraphs:

41 NEW SUBPARAGRAPH. (6) Members of the reserve
42 forces of the United States who have served at least
43 twenty years in the reserve forces and who continue to
44 serve in the reserve forces.

45 NEW SUBPARAGRAPH. (7) Members of the Iowa
46 national guard who have served at least twenty years
47 in the Iowa national guard and who continue to serve
48 in the Iowa national guard.

49 Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN
50 STATUS FOR CERTAIN VETERANS.

H-1437

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

11 Sec. 6. Section 35.8, Code 2005, is amended to
12 read as follows:

13 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

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

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

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

40 Sec. 8. Section 35.10, Code 2005, is amended to
41 read as follows:

42 35.10 ELIGIBILITY AND PAYMENT OF AID.

43 Eligibility for aid shall be determined upon
44 application to the ~~commission~~ department of veterans
45 affairs, whose decision is final. The eligibility of
46 eligible applicants shall be certified by the
47 ~~commission~~ department of veterans affairs to the
48 director of the department of administrative services,
49 and all amounts that are or become due to an
50 individual or a training institution under this

1 chapter shall be paid to the individual or institution
2 by the director of the department of administrative
3 services upon receipt by the director of certification
4 by the president or governing board of the educational
5 or training institution as to accuracy of charges
6 made, and as to the attendance of the individual at
7 the educational or training institution. The
8 ~~commission~~ department of veterans affairs may pay over
9 the annual sum of four hundred dollars to the
10 educational or training institution in a lump sum, or
11 in installments as the circumstances warrant, upon
12 receiving from the institution such written
13 undertaking as the ~~commission~~ department may require
14 to assure the use of funds for the child for the
15 authorized purposes and for no other purpose. A
16 person is not eligible for the benefits of this
17 chapter until the person has graduated from a high
18 school or educational institution offering a course of
19 training equivalent to high school training.

20 Sec. 9. Section 35A.1, Code 2005, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 3A. "Department" means the Iowa
23 department of veterans affairs established in section
24 35A.4.

25 Sec. 10. Section 35A.3, subsections 2 and 3, Code
26 2005, are amended to read as follows:

27 2. Adopt rules pursuant to chapter 17A and
28 establish policy for the management and operation of
29 the department and the commission.

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

33 Sec. 11. Section 35A.3, subsections 5, 6, 7, 8, 9,
34 10, 11, 12, and 14, Code 2005, are amended by striking
35 the subsections.

36 Sec. 12. NEW SECTION. 35A.4 DEPARTMENT
37 ESTABLISHED.

38 There is established an Iowa department of veterans
39 affairs which shall consist of a commission, an
40 executive director, and any additional personnel as
41 employed by the executive director.

42 Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE
43 DEPARTMENT.

44 The department shall do all of the following:

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

47 2. Assist county veteran affairs commissions
48 established pursuant to chapter 35B. The department
49 shall provide to county commissions suggested uniform
50 benefits and administrative procedures for carrying

1 out the functions and duties of the county
2 commissions.
3 3. Permanently maintain the records including
4 certified records of bonus applications for awards
5 paid from the war orphans educational fund under
6 chapter 35.
7 4. Collect and maintain information concerning
8 veterans affairs.
9 5. Conduct two service schools each year for the
10 Iowa association of county commissioners and executive
11 directors.
12 6. Assist the United States veterans
13 administration, the Iowa veterans home, funeral
14 directors, and federally chartered veterans service
15 organizations in providing information concerning
16 veterans service records and veterans affairs data.
17 7. Maintain alphabetically a permanent registry of
18 the graves of all persons who served in the military
19 or naval forces of the United States in time of war
20 and whose mortal remains rest in Iowa.
21 8. Provide training to executive directors of
22 county commissions of veteran affairs pursuant to
23 section 35B.6. The commission may adopt rules in
24 accordance with chapter 17A to provide for training of
25 county veteran affairs executive directors.
26 9. Establish and operate a state veterans cemetery
27 and make application to the government of the United
28 States or any subdivision, agency, or instrumentality
29 thereof, for funds for the purpose of establishing
30 such a cemetery. The state may enter into agreements
31 with any subdivision of the state for assistance in
32 operating the cemetery. The state shall own the land
33 on which the cemetery is located. The department
34 shall have the authority to accept federal grant
35 funds, funding from state subdivisions, donations from
36 private sources, and federal "plot allowance"
37 payments. All such funds shall be deposited into an
38 account dedicated to the establishment, operation, and
39 maintenance of a veterans cemetery and these funds
40 shall be expended only for those purposes. The
41 department through the director shall have the
42 authority to accept suitable cemetery land, in
43 accordance with federal veterans cemetery grant
44 guidelines, from the federal government, state
45 government, state subdivisions, private sources, and
46 any other source wishing to transfer land for use as a
47 veterans cemetery. Notwithstanding section 8.33, any
48 moneys in the account for a state veterans cemetery
49 shall not revert and, notwithstanding section 12C.7,
50 subsection 2, interest or earnings on moneys deposited

1 in the fund shall be credited to the account.

2 10. Carry out the policies of the department.

3 Sec. 14. Section 35A.8, subsections 1 and 3, Code
4 2005, are amended to read as follows:

5 1. The governor shall appoint an executive
6 director, subject to confirmation by the senate, who
7 shall serve at the pleasure of the governor. The
8 executive director is responsible for administering
9 the duties of the department and the commission other
10 than those related to the Iowa veterans home.

11 3. Except for the employment duties and
12 responsibilities assigned to the commandant for the
13 Iowa veterans home, the executive director shall
14 employ such personnel as are necessary for the
15 performance of the duties and responsibilities
16 assigned to the department and the commission. All
17 employees shall be selected on a basis of fitness for
18 the work to be performed with due regard to training
19 and experience and shall be subject to the provisions
20 of chapter 8A, subchapter IV.

21 Sec. 15. Section 35A.9, subsections 1 and 2, Code
22 2005, are amended to read as follows:

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

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

33 Sec. 16. Section 35B.5, Code 2005, is amended to
34 read as follows:

35 35B.5 COMPENSATION.

36 A member of the commission shall receive twenty-
37 five dollars or a greater amount as established by the
38 board of supervisors for each month during which the
39 member attends one or more commission meetings and
40 shall be reimbursed for mileage the same as a member
41 of the board of supervisors. Compensation and mileage
42 shall be paid out of the appropriation authorized in
43 section 35B.14.

44 Sec. 17. Section 35B.6, subsection 1, paragraph b,
45 Code 2005, is amended to read as follows:

46 b. Upon the employment of an executive director,
47 the executive director shall complete a course of
48 initial training provided by the ~~commission~~ department
49 of veterans affairs pursuant to section ~~35A.3~~ 35A.5.

50 If an executive director is not appointed, a

1 commissioner or a clerical assistant shall complete
 2 the course of training. The ~~commission~~ department
 3 shall issue the executive director, commissioner, or
 4 clerical assistant a certificate of training after
 5 completion of the initial training course. To
 6 maintain annual certification, the executive director,
 7 commissioner, or clerical assistant shall attend one
 8 ~~commission~~ department training course each year.
 9 Failure to maintain certification may be cause for
 10 removal from office. The expenses of training shall
 11 be paid from the appropriation authorized in section
 12 35B.14.

13 Sec. 18. Section 35B.11, Code 2005, is amended to
 14 read as follows:

15 35B.11 DATA FURNISHED ~~STATE COMMISSION~~ IOWA
 16 DEPARTMENT OF VETERANS AFFAIRS.

17 The commission of veteran affairs of each county
 18 shall provide information to the ~~state commission~~
 19 department of veterans affairs as the ~~state commission~~
 20 department may request.

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

23 35B.19 BURIAL RECORDS.

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

38 Sec. 20. Section 36.1, subsection 3, Code 2005, is
 39 amended to read as follows:

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

42 Sec. 21. Section 36.1, Code 2005, is amended by
 43 adding the following new subsection:

44 NEW SUBSECTION. 3A. "Department" means the
 45 department of veterans affairs established in section
 46 35A.4.

47 Sec. 22. Section 36.2, Code 2005, is amended to
 48 read as follows:

49 36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~
 50 DEPARTMENT.

1 A licensed physician, as defined in section 135.1,
2 subsection 4, who treats a veteran the physician
3 believes may have been exposed to chemicals while
4 serving in the armed forces of the United States shall
5 submit a report indicating that information to the
6 ~~commission~~ department at the request of the veteran
7 pursuant to section 36.3.

8 Sec. 23. Section 36.3, Code 2005, is amended to
9 read as follows:

10 36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

11 The ~~commission~~ department shall:

12 1. Provide the forms for the reports required in
13 section 36.2. The report form shall require the
14 doctor to provide all of the following:

15 a. Symptoms of the veteran which may be related to
16 exposure to chemicals.

17 b. Diagnosis of the veteran.

18 c. Methods of treatment prescribed.

19 2. Annually compile and evaluate the information
20 submitted in the reports pursuant to subsection 1, in
21 consultation and cooperation with a certified medical
22 toxicologist selected by the ~~commission~~ department.

23 The ~~commission~~ department shall submit the report to
24 the governor, the general assembly, and the United
25 States veterans' administration. The report shall
26 include current research data on the effects of
27 exposure to chemicals, statistical information
28 received from individual physicians' reports, and
29 statistical information from the epidemiological
30 investigations pursuant to subsection 3.

31 3. Conduct epidemiological investigations of
32 veterans who have cancer or other medical problems or
33 who have children born with birth defects associated
34 with exposure to chemicals, in consultation and
35 cooperation with a certified medical toxicologist
36 selected by the ~~commission~~ department. The ~~commission~~
37 department shall obtain consent from a veteran before
38 conducting the investigations.

39 The ~~commission~~ department shall cooperate with
40 local and state agencies during the course of an
41 investigation.

42 Sec. 24. Section 36.4, unnumbered paragraph 1,
43 Code 2005, is amended to read as follows:

44 The ~~commission~~ department shall not identify a
45 veteran consenting to the epidemiological
46 investigations pursuant to section 36.3, subsection 3,
47 unless the veteran consents to the release of
48 identity. The statistical information compiled by the
49 ~~commission~~ department pursuant to section 36.3 is a
50 public record.

1 Sec. 25. Section 36.6, unnumbered paragraph 1,
2 Code 2005, is amended to read as follows:

3 The ~~commission~~ department and appropriate medical
4 facilities at the state university of Iowa under the
5 control of the state board of regents shall institute
6 a cooperative program to:

7 Sec. 26. Section 36.7, Code 2005, is amended to
8 read as follows:

9 36.7 FEDERAL PROGRAM.

10 If the ~~commission~~ department or the general
11 assembly determines that an agency of the federal
12 government or the state of Iowa is providing the
13 referral and genetic services pursuant to section
14 36.6, the ~~commission~~ department or the general
15 assembly by specific action may discontinue all or
16 part of the services and requirements in this chapter.

17 Sec. 27. NEW SECTION. 135.20 HEPATITIS C
18 AWARENESS PROGRAM -- VETERANS -- VACCINATIONS.

19 1. The department shall establish and administer a
20 hepatitis C awareness program. The goal of the
21 program shall be to distribute information to veterans
22 regarding the higher incidence of hepatitis C exposure
23 and infection among veterans, the dangers presented by
24 the disease, and contacts for additional information
25 and referrals. For purposes of this section,
26 "veteran" means an individual meeting the definition
27 contained in section 35.1.

28 2. The information to be distributed shall be
29 determined by the department by rule, in consultation
30 with the commission of veterans affairs. The
31 information shall, at a minimum, contain statements
32 indicating that:

33 a. The federal department of veterans affairs
34 estimates a hepatitis C infection rate in veterans
35 more than three times higher than for the general
36 population.

37 b. The infection rate for Vietnam veterans is
38 estimated to be even higher than for other veterans
39 groups.

40 c. The disease is caused by a bloodborne virus
41 readily transmitted during combat and combat-related
42 emergency medical treatment.

43 d. Many veterans currently carrying the virus were
44 infected prior to the development of medical screening
45 tests.

46 e. The hepatitis C virus often resolves into a
47 chronic infection without symptoms for ten to thirty
48 years before signs of resultant liver disease appear.

49 f. This unusually long latency period makes it
50 difficult to connect current symptoms with an

1 infection that may have actually been contracted
2 during military service decades ago.

3 The information shall also present treatment
4 options and shall specify a procedure to be followed
5 for veterans desiring a medical consultation for
6 screening and treatment purposes. The department
7 shall cooperate with the state commission of veterans
8 affairs regarding distribution of the information to
9 the veterans home, the county commissions of veteran
10 affairs, veterans hospitals, and other appropriate
11 points of distribution.

12 Sec. 28. Section 135C.31A, Code 2005, is amended
13 to read as follows:

14 135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM
15 ELIGIBILITY.

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

38 Sec. 29. Section 256.9, subsection 48, Code 2005,
39 is amended to read as follows:

40 48. Develop and administer, with the cooperation
41 of the ~~commission~~ department of veterans affairs, a
42 program which shall be known as operation recognition.
43 The purpose of the program is to award high school
44 diplomas to veterans of World War I, World War II, and
45 the Korean and Vietnam conflicts who left high school
46 prior to graduation to enter United States military
47 service. The department of education and the
48 ~~commission~~ department of veterans affairs shall
49 jointly develop an application procedure, distribute
50 applications, and publicize the program to school

1 districts, accredited nonpublic schools, county
2 commissions of veteran affairs, veterans
3 organizations, and state, regional, and local media.
4 All honorably discharged veterans who are residents or
5 former residents of the state; who served at any time
6 between April 6, 1917, and November 11, 1918, at any
7 time between September 16, 1940, and December 31,
8 1946, at any time between June 25, 1950, and January
9 31, 1955, or at any time between February 28, 1961,
10 and May 5, 1975, all dates inclusive; and who did not
11 return to school and complete their education after
12 the war or conflict shall be eligible to receive a
13 diploma. Diplomas may be issued posthumously. Upon
14 approval of an application, the department shall issue
15 an honorary high school diploma for an eligible
16 veteran. The diploma shall indicate the veteran's
17 school of attendance. The department of education and
18 the ~~commission~~ department of veterans affairs shall
19 work together to provide school districts, schools,
20 communities, and county commissions of veteran affairs
21 with information about hosting a diploma ceremony on
22 or around Veterans Day. The diploma shall be mailed
23 to the veteran or, if the veteran is deceased, to the
24 veteran's family.

25 Sec. 30. Section 303.2, subsection 2, paragraph k,
26 Code 2005, is amended to read as follows:

27 k. Administer, preserve, and interpret the battle
28 flag collection assembled by the state in consultation
29 and coordination with the ~~commission~~ department of
30 veterans affairs and the department of administrative
31 services. A portion of the battle flag collection
32 shall be on display at the state capitol and the state
33 historical building at all times, unless on loan
34 approved by the department of cultural affairs.

35 Sec. 31. Section 331.608, subsection 6, paragraph
36 e, Code 2005, is amended to read as follows:

37 e. When otherwise required by a department or
38 agency of the federal or state government or a
39 political subdivision. The recorder shall make these
40 records available to the ~~commission~~ department of
41 veterans affairs. The ~~commission~~ department of
42 veterans affairs and its employees shall be subject to
43 the same state and federal confidentiality
44 restrictions and requirements that are imposed on the
45 recorder.

46 Sec. 32. Section 426A.13, unnumbered paragraphs 1
47 through 3, Code 2005, are amended to read as follows:

48 A person named in section 426A.11, who is a
49 resident of and domiciled in the state of Iowa, shall
50 receive a reduction equal to the exemption, to be made

1 from any property owned by the person or owned by a
2 family farm corporation of which the person is a
3 shareholder and who occupies the property and so
4 designated by proceeding as provided in the section.
5 To be eligible to receive the exemption the person
6 claiming it shall have recorded in the office of the
7 county recorder of the county in which is located the
8 property designated for the exemption, evidence of
9 property ownership by that person or the family farm
10 corporation of which the person is a shareholder and
11 the military certificate of satisfactory service,
12 order transferring to inactive status, reserve,
13 retirement, order of separation from service,
14 honorable discharge or a copy of any of these
15 documents of the person claiming or through whom is
16 claimed the exemption. In the case of a person
17 claiming the exemption as a veteran described in
18 section 35.1, subsection 2, paragraph "b",
19 subparagraph (6) or (7), the person shall file the
20 statement required by section 35.2.

21 The person shall file with the appropriate assessor
22 on forms obtained from the assessor the claim for
23 exemption for the year for which the person is first
24 claiming the exemption. The claim shall be filed not
25 later than July 1 of the year for which the person is
26 claiming the exemption. The claim shall set out the
27 fact that the person is a resident of and domiciled in
28 the state of Iowa, and a person within the terms of
29 section 426A.11, and shall give the volume and page on
30 which the certificate of satisfactory service, order
31 of separation, retirement, furlough to reserve,
32 inactive status, or honorable discharge or certified
33 copy thereof is recorded in the office of the county
34 recorder, and may include the designation of the
35 property from which the exemption is to be made, and
36 shall further state that the claimant is the equitable
37 or legal owner of the property designated or if the
38 property is owned by a family farm corporation, that
39 the person is a shareholder of that corporation and
40 that the person occupies the property. In the case of
41 a person claiming the exemption as a veteran described
42 in section 35.1, subsection 2, paragraph "b",
43 subparagraph (6) or (7), the person shall file the
44 statement required by section 35.2.

45 Upon the filing and allowance of the claim, the
46 claim shall be allowed to that person for successive
47 years without further filing. However, in the case of
48 a person claiming the exemption as a veteran described
49 in section 35.1, subsection 2, paragraph "b",
50 subparagraph (6) or (7), such person shall file each

1 year to be eligible to obtain the exemption.

2 Provided, that notwithstanding the filing or having on
3 file a claim for exemption, the person or person's
4 spouse is the legal or equitable owner of the property
5 on July 1 of the year for which the claim is allowed.
6 When the property is sold or transferred or the person
7 wishes to designate different property for the
8 exemption, a person who wishes to receive the
9 exemption shall refile for the exemption. A person
10 who sells or transfers property which is designated
11 for the exemption or the personal representative of a
12 deceased person who owned such property shall provide
13 written notice to the assessor that the property is no
14 longer legally or equitably owned by the former
15 claimant.

16 Sec. 33. Section 483A.24, subsection 13, Code
17 2005, is amended to read as follows:

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

34 Sec. 34. Section 669.2, subsection 4, unnumbered
35 paragraph 1, Code 2005, is amended to read as follows:

36 "Employee of the state" includes any one or more
37 officers, agents, or employees of the state or any
38 state agency, including members of the general
39 assembly, and persons acting on behalf of the state or
40 any state agency in any official capacity, temporarily
41 or permanently in the service of the state of Iowa,
42 whether with or without compensation, but does not
43 include a contractor doing business with the state.
44 Professional personnel, including physicians,
45 osteopathic physicians and surgeons, osteopathic
46 physicians, optometrists, dentists, nurses, physician
47 assistants, and other medical personnel, who render
48 services to patients or inmates of state institutions
49 under the jurisdiction of the department of human
50 services or the Iowa department of corrections, and

1 employees of the ~~commission~~ department of veterans
2 affairs, are to be considered employees of the state,
3 whether the personnel are employed on a full-time
4 basis or render services on a part-time basis on a fee
5 schedule or other arrangement. Criminal defendants
6 while performing unpaid community service ordered by
7 the district court, board of parole, or judicial
8 district department of correctional services, or an
9 inmate providing services pursuant to a chapter 28E
10 agreement entered into pursuant to section 904.703,
11 and persons supervising those inmates under and
12 according to the terms of the chapter 28E agreement,
13 are to be considered employees of the state.

14 Sec. 35. 2003 Iowa Acts, chapter 179, section 21,
15 subsections 2 and 5, as enacted by 2005 Iowa Acts,
16 Senate File 75, section 1, are amended to read as
17 follows:

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

29 5. The remainder of the funds appropriated in this
30 section are transferred to the Iowa finance authority
31 to be used for a home ownership assistance program for
32 persons who are eligible members of the armed forces
33 of the United States. In the event an eligible member
34 is deceased, the surviving spouse of the eligible
35 member shall be eligible for a loan under the program,
36 subject to the surviving spouse meeting the program's
37 eligibility requirements other than the military
38 service requirement. For the purposes of this
39 subsection, "eligible member of the armed forces of
40 the United States" means a resident of this state who
41 is or was a member of the national guard, reserve, or
42 regular component of the armed forces of the United
43 States who has served at least ninety days of active
44 duty service during the period beginning September 11,
45 2001, and ending June 30, 2006.

46 Sec. 36. VETERANS HEPATITIS C AWARENESS PROGRAM
47 REPORT. The Iowa department of public health shall
48 submit a report to the members of the general assembly
49 by January 1, 2007, regarding the development and
50 distribution of the information required by the

1 section of this Act enacting section 135.20 and any
2 resulting impact.

3 Sec. 37. STATE FUNDING. The military service tax
4 credits and exemptions provided pursuant to this Act
5 shall be funded pursuant to chapter 426A and section
6 25B.7, subsection 2.

7 Sec. 38. EFFECTIVE DATE. This Act, being deemed
8 of immediate importance, takes effect upon enactment.

9 Sec. 39. RETROACTIVE APPLICABILITY. The section
10 of this Act amending 2003 Iowa Acts, chapter 179, is
11 retroactively applicable to May 17, 2004."

12 2. Title page, line 1, by inserting after the
13 words "veterans by" the following: "providing for the
14 establishment of a department of veterans affairs,
15 extending certain veterans' benefits and the military
16 service tax credit and exemption to certain members of
17 the reserve forces of the United States and the Iowa
18 national guard,".

19 3. Title page, line 6, by inserting after the
20 word "cemetery," the following: "concerning military
21 pay differential,".

22 4. Title page, line 6, by inserting after the
23 word "date" the following: "and a retroactive
24 applicability date".

RECEIVED FROM THE SENATE

HOUSE FILE 374

AN ACT

RELATING TO VETERANS BY PROVIDING FOR THE ESTABLISHMENT OF A DEPARTMENT OF VETERANS AFFAIRS, MODIFYING THE DEFINITION OF VETERAN FOR PROPERTY TAXATION AND CERTAIN OTHER PURPOSES, PROVIDING FOR THE COMPENSATION OF MEMBERS OF A COUNTY COMMISSION OF VETERAN AFFAIRS, PROVIDING FOR THE ISSUANCE OF COMBINED HUNTING AND FISHING LICENSES TO CERTAIN VETERANS, ESTABLISHING A HEPATITIS C AWARENESS PROGRAM FOR VETERANS, CONCERNING FUNDS IN AN ACCOUNT FOR A STATE VETERANS CEMETERY, CONCERNING MILITARY PAY DIFFERENTIAL, AND PROVIDING AN EFFECTIVE DATE AND RETROACTIVE AND OTHER APPLICABILITY DATES.

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

Section 1. Section 7E.5, subsection 1, paragraph v, Code 2005, is amended to read as follows:

v. The department of veterans affairs. However, the commission of veterans affairs, which has created in section 35A.2 shall have primary responsibility for state veterans affairs.

Sec. 2. Section 35.1, subsection 1, Code 2005, is amended to read as follows:

1. "Commission" "Department" means the commission Iowa department of veterans affairs created in section 35A.2 35A.4.

Sec. 3. Section 35.1, subsection 2, paragraph b, subparagraphs (1) and (2), Code 2005, are amended to read as follows:

(1) Former members of the reserve forces of the United States who served at least twenty years in the reserve forces ~~after-January-28, 1973~~ and who were discharged under honorable conditions. However, a member of the reserve forces

of the United States who completed a minimum aggregate of ninety days of active federal service, other than training, and was discharged under honorable conditions, or was retired under Title X of the United States Code shall be included as a veteran.

(2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard ~~after-January 28, 1973~~ and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Title X of the United States Code shall be included as a veteran.

Sec. 4. Section 35.1, subsection 2, paragraph b, Code 2005, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

NEW SUBPARAGRAPH. (7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.

Sec. 5. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR CERTAIN VETERANS.

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

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

35.8 WAR ORPHANS EDUCATIONAL AID FUND.

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

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

The commission department of veterans affairs 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 aid, and who is the child of a person who died 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 commission department of veterans affairs.

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

35.10 ELIGIBILITY AND PAYMENT OF AID.

Eligibility for aid shall be determined upon application to the commission department of veterans affairs, whose decision is final. The eligibility of eligible applicants shall be certified by the commission department of veterans affairs to the director of the department of administrative services, and all amounts that are or become due to 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 commission department of veterans affairs may pay over the annual sum of four hundred dollars 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 commission 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. 9. Section 35A.1, Code 2005, is amended by adding the following new subsection:

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

Sec. 10. Section 35A.3, subsections 2 and 3, Code 2005, are amended to read as follows:

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

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

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

Sec. 12. NEW SECTION. 35A.4 DEPARTMENT ESTABLISHED.

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

Sec. 13. NEW SECTION. 35A.5 DUTIES OF THE DEPARTMENT.

The department shall do all of the following:

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

2. Assist county veteran affairs commissions established pursuant to chapter 35B. The department shall 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 for awards paid from the war orphans educational fund under chapter 35.

4. Collect and maintain information concerning veterans affairs.

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

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 alphabetically 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.

8. Provide training to executive directors of county commissions of veteran affairs pursuant to section 35B.6. The commission may adopt rules in accordance with chapter 17A to provide for training of county veteran affairs executive directors.

9. Establish and operate a state veterans cemetery and make application to the government of the United States or any subdivision, agency, or instrumentality thereof, for funds for the purpose of establishing such a cemetery. The state may enter into agreements with any subdivision of the state for assistance in operating the cemetery. The state shall own the land on which the cemetery is located. The department shall have the authority to accept federal grant funds, funding from state subdivisions, donations from private sources, and

federal "plot allowance" payments. All such funds shall be deposited into an account dedicated to the establishment, operation, and maintenance of a veterans cemetery and these funds shall be expended only for those purposes. The department through the director shall have the authority to accept suitable cemetery land, in accordance with federal veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a veterans cemetery. Notwithstanding section 8.33, any moneys in the account for a state veterans cemetery shall not revert and, notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the account.

10. Carry out the policies of the department.

Sec. 14. Section 35A.8, subsections 1 and 3, Code 2005, are amended to read as follows:

1. The governor shall appoint an executive director, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The executive director is responsible for administering the duties of the department and the commission other than those related to the Iowa veterans home.

3. Except for the employment duties and responsibilities assigned to the commandant for the Iowa veterans home, the executive director shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the department and the commission. 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.

Sec. 15, Section 35A.9, subsections 1 and 2, Code 2005, are amended to read as follows:

1. The executive director, commandant, and employees of the commission 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.

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

Sec. 16. Section 35B.5, Code 2005, is amended to read as follows:

35B.5 COMPENSATION.

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

Sec. 17. Section 35B.6, subsection 1, paragraph b, Code 2005, is amended to read as follows:

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

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

35B.11 DATA FURNISHED STATE-COMMISSION IOWA DEPARTMENT OF VETERANS AFFAIRS.

The commission of veteran affairs of each county shall provide information to the state-commission department of veterans affairs as the state-commission department may request.

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

35B.19 BURIAL RECORDS.

The county commission of veteran affairs shall be charged with securing the information requested by the commission 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 the undertaker to the commission of veteran affairs of the county where burial is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried. This recording shall conform to the directives of the state-commission department of veterans affairs and shall be kept in a book by the county commission.

Sec. 20. Section 36.1, subsection 3, Code 2005, is amended to read as follows:

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

Sec. 21. Section 36.1, Code 2005, is amended by adding the following new subsection:

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

Sec. 22. Section 36.2, Code 2005, is amended to read as follows:

36.2 CHEMICAL EXPOSURE REPORT TO COMMISSION DEPARTMENT.

A licensed physician, as defined in section 135.1, subsection 4, who treats a veteran the physician believes may have been exposed to chemicals while serving in the armed forces of the United States shall submit a report indicating

that information to the commission department at the request of the veteran pursuant to section 36.3.

Sec. 23. Section 36.3, Code 2005, is amended to read as follows:

36.3 DUTIES OF THE COMMISSION DEPARTMENT.

The commission department shall:

1. Provide the forms for the reports required in section 36.2. The report form shall require the doctor to provide all of the following:

a. Symptoms of the veteran which may be related to exposure to chemicals.

b. Diagnosis of the veteran.

c. Methods of treatment prescribed.

2. Annually compile and evaluate the information submitted in the reports pursuant to subsection 1, in consultation and cooperation with a certified medical toxicologist selected by the commission department. The commission department shall submit the report to the governor, the general assembly, and the United States veterans' administration. The report shall include current research data on the effects of exposure to chemicals, statistical information received from individual physicians' reports, and statistical information from the epidemiological investigations pursuant to subsection 3.

3. Conduct epidemiological investigations of veterans who have cancer or other medical problems or who have children born with birth defects associated with exposure to chemicals, in consultation and cooperation with a certified medical toxicologist selected by the commission department. The commission department shall obtain consent from a veteran before conducting the investigations.

The commission department shall cooperate with local and state agencies during the course of an investigation.

Sec. 24. Section 36.4, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission department shall not identify a veteran consenting to the epidemiological investigations pursuant to

section 36.3, subsection 3, unless the veteran consents to the release of identity. The statistical information compiled by the commission department pursuant to section 36.3 is a public record.

Sec. 25. Section 36.6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission department and appropriate medical facilities at the state university of Iowa under the control of the state board of regents shall institute a cooperative program to:

Sec. 26. Section 36.7, Code 2005, is amended to read as follows:

36.7 FEDERAL PROGRAM.

If the commission department or the general assembly determines that an agency of the federal government or the state of Iowa is providing the referral and genetic services pursuant to section 36.6, the commission department or the general assembly by specific action may discontinue all or part of the services and requirements in this chapter.

Sec. 27. NEW SECTION. 135.20 HEPATITIS C AWARENESS PROGRAM -- VETERANS -- VACCINATIONS.

1. The department shall establish and administer a hepatitis C awareness program. The goal of the program shall be to distribute information to veterans regarding the higher incidence of hepatitis C exposure and infection among veterans, the dangers presented by the disease, and contacts for additional information and referrals. For purposes of this section, "veteran" means an individual meeting the definition contained in section 35.1.

2. The information to be distributed shall be determined by the department by rule, in consultation with the commission of veterans affairs. The information shall, at a minimum, contain statements indicating that:

a. The federal department of veterans affairs estimates a hepatitis C infection rate in veterans more than three times higher than for the general population.

b. The infection rate for Vietnam veterans is estimated to be even higher than for other veterans groups.

c. The disease is caused by a bloodborne virus readily transmitted during combat and combat-related emergency medical treatment.

d. Many veterans currently carrying the virus were infected prior to the development of medical screening tests.

e. The hepatitis C virus often resolves into a chronic infection without symptoms for ten to thirty years before signs of resultant liver disease appear.

f. This unusually long latency period makes it difficult to connect current symptoms with an infection that may have actually been contracted during military service decades ago.

The information shall also present treatment options and shall specify a procedure to be followed for veterans desiring a medical consultation for screening and treatment purposes. The department shall cooperate with the state commission of veterans affairs regarding distribution of the information to the veterans home, the county commissions of veteran affairs, veterans hospitals, and other appropriate points of distribution.

Sec. 28. Section 135C.31A, Code 2005, is amended to read as follows:

135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM ELIGIBILITY.

Beginning July 1, 2003, a health care facility receiving reimbursement through the medical assistance program under chapter 249A shall assist the Iowa commission department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the federal department of veterans affairs. The health care facility shall also assist the Iowa commission department of veterans affairs in determining such eligibility for residents residing in the facility on July 1, 2003. The department of inspections and appeals, in cooperation with the department of human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is

eligible for benefits through the federal department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual to the Iowa veterans home.

Sec. 29. Section 256.9, subsection 48, Code 2005, is amended to read as follows:

48. Develop and administer, with the cooperation of the commission department of veterans affairs, a program which shall be known as operation recognition. The purpose of the program is to award high school diplomas to veterans of World War I, World War II, and the Korean and Vietnam conflicts who left high school prior to graduation to enter United States military service. The department of education and the commission department of veterans affairs shall jointly develop an application procedure, distribute applications, and publicize the program to school districts, accredited nonpublic schools, county commissions of veteran affairs, veterans organizations, and state, regional, and local media. All honorably discharged veterans who are residents or former residents of the state; who served at any time between April 6, 1917, and November 11, 1918, at any time between September 16, 1940, and December 31, 1946, at any time between June 25, 1950, and January 31, 1955, or at any time between February 28, 1961, and May 5, 1975, all dates inclusive; and who did not return to school and complete their education after the war or conflict shall be eligible to receive a diploma. Diplomas may be issued posthumously. Upon approval of an application, the department shall issue an honorary high school diploma for an eligible veteran. The diploma shall indicate the veteran's school of attendance. The department of education and the commission department of veterans affairs shall work together to provide school districts, schools, communities, and county commissions of veteran affairs with

information about hosting a diploma ceremony on or around Veterans Day. The diploma shall be mailed to the veteran or, if the veteran is deceased, to the veteran's family.

Sec. 30. Section 303.2, subsection 2, paragraph k, Code 2005, is amended to read as follows:

k. Administer, preserve, and interpret the battle flag collection assembled by the state in consultation and coordination with the commission department of veterans affairs and the department of administrative services. A portion of the battle flag collection shall be on display at the state capitol and the state historical building at all times, unless on loan approved by the department of cultural affairs.

Sec. 31. Section 331.608, subsection 6, paragraph e, Code 2005, is amended to read as follows:

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

Sec. 32. Section 426A.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. For purposes of this chapter, unless the context otherwise requires, "veteran" also means a resident of this state who is a former member of the armed forces of the United States and who served for a minimum aggregate of three years and who was discharged under honorable conditions.

Sec. 33. Section 426A.12, Code 2005, is amended to read as follows:

426A.12 EXEMPTIONS TO RELATIVES.

In case any person in the foregoing classifications does not claim the exemption from taxation, it shall be allowed in

the name of the person to the same extent on the property of any one of the following persons in the order named:

1. The spouse, or surviving spouse remaining unmarried, of a veteran, as defined in this chapter or in section 35.1, where they are living together or were living together at the time of the death of the veteran.

2. The parent whose spouse is deceased and who remains unmarried, of a veteran, as defined in this chapter or in section 35.1, whether living or deceased, where the parent is, or was at the time of death of the veteran, dependent on the veteran for support.

3. The minor child, or children owning property as tenants in common, of a deceased veteran, as defined in this chapter or in section 35.1.

No more than one tax exemption shall be allowed under this section or section 426A.11 in the name of a veteran, as defined in this chapter or in section 35.1.

Sec. 34. Section 426A.13, unnumbered paragraphs 1 and 2, Code 2005, are amended to read as follows:

A person named in section 426A.11, who is a resident of and domiciled in the state of Iowa, shall receive a reduction equal to the exemption, to be made from any property owned by the person or owned by a family farm corporation of which the person is a shareholder and who occupies the property and so designated by proceeding as provided in the section. To be eligible to receive the exemption the person claiming it shall have recorded in the office of the county recorder of the county in which is located the property designated for the exemption, evidence of property ownership by that person or the family farm corporation of which the person is a shareholder and the military certificate of satisfactory service, order transferring to inactive status, reserve, retirement, order of separation from service, honorable discharge or a copy of any of these documents of the person claiming or through whom is claimed the exemption. In the case of a person claiming the exemption as a veteran described

in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), the person shall file the statement required by section 35.2.

The person shall file with the appropriate assessor on forms obtained from the assessor the claim for exemption for the year for which the person is first claiming the exemption. The claim shall be filed not later than July 1 of the year for which the person is claiming the exemption. The claim shall set out the fact that the person is a resident of and domiciled in the state of Iowa, and a person within the terms of section 426A.11, and shall give the volume and page on which the certificate of satisfactory service, order of separation, retirement, furlough to reserve, inactive status, or honorable discharge or certified copy thereof is recorded in the office of the county recorder, and may include the designation of the property from which the exemption is to be made, and shall further state that the claimant is the equitable or legal owner of the property designated or if the property is owned by a family farm corporation, that the person is a shareholder of that corporation and that the person occupies the property. In the case of a person claiming the exemption as a veteran described in section 35.1, subsection 2, paragraph "b", subparagraph (6) or (7), the person shall file the statement required by section 35.2.

Sec. 35. Section 483A.24, subsection 13, Code 2005, is amended to read as follows:

13. Upon payment of the fee of thirty dollars for a lifetime hunting and fishing combined license, the department shall issue a hunting and fishing combined license to a resident of Iowa who ~~is a veteran, as defined in section 35.1,~~ served in the armed forces of the United States for a minimum aggregate of ninety days of active federal service and who was disabled or was a prisoner of war during that veteran's military service. The department shall prepare an application to be used by a person requesting a hunting and fishing combined license under this subsection. The ~~commission~~

department of veterans affairs shall assist the department in verifying the status or claims of applicants under this subsection. As used in this subsection, "disabled" means entitled to compensation under the United States Code, Title 38, ch. 11.

Sec. 36. Section 669.2, subsection 4, unnumbered paragraph 1, Code 2005, is amended to read as follows:

"Employee of the state" includes any one or more officers, agents, or employees of the state or any state agency, including members of the general assembly, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation, but does not include a contractor doing business with the state. Professional personnel, including physicians, osteopathic physicians and surgeons, osteopathic physicians, optometrists, dentists, nurses, physician assistants, and other medical personnel, who render services to patients or inmates of state institutions under the jurisdiction of the department of human services or the Iowa department of corrections, and employees of the commission department of veterans affairs, are to be considered employees of the state, whether the personnel are employed on a full-time basis or render services on a part-time basis on a fee schedule or other arrangement. Criminal defendants while performing unpaid community service ordered by the district court, board of parole, or judicial district department of correctional services, or an inmate providing services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, and persons supervising those inmates under and according to the terms of the chapter 28E agreement, are to be considered employees of the state.

Sec. 37. 2003 Iowa Acts, chapter 179, section 21, subsections 2 and 5, as enacted by 2005 Iowa Acts, Senate File 75, section 1, are amended to read as follows:

2. Of the funds appropriated in this section, \$10,000 is transferred to the Iowa department of ~~public health~~ human

services for allocation to community mental health centers to provide counseling services to persons, whether or not employed by the state, who are members of the national guard or reservists and who are assigned to active duty service in the armed forces of the United States and to the persons' family members. The sessions shall be provided on a first come, first served basis and shall be limited to three visits per family.

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

Sec. 38. VETERANS HEPATITIS C AWARENESS PROGRAM REPORT. The Iowa department of public health shall submit a report to the members of the general assembly by January 1, 2007, regarding the development and distribution of the information required by the section of this Act enacting section 135.20 and any resulting impact.

Sec. 39. STATE FUNDING. The military service tax credits and exemptions provided pursuant to this Act shall be funded pursuant to chapter 426A and section 25B.7, subsection 2.

Sec. 40. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 41. APPLICABILITY DATES.

1. The section of this Act amending 2003 Iowa Acts, chapter 179, is retroactively applicable to May 17, 2004.

2. The sections of this Act relating to military service tax credits and exemptions apply to military service tax credits and exemptions for taxes due and payable for fiscal years beginning on or after July 1, 2005.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 374, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/5, 2005

THOMAS J. VILSACK
Governor