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SENATE FILE 333
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 292)

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

A BILL FOR

1 An Act extending veterans' benefits, preferences, eligibility for
2 appointments, and the military service tax credit and
3 exemption to certain members of the reserve forces of the
4 United States and the Iowa national guard and providing an
5 effective date.

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

SF 333

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

4 (1) Former members of the reserve forces of the United
5 States who served at least twenty years in the reserve forces
6 ~~after-January-28, 1973~~, and who were discharged under
7 honorable conditions. However, a member of the reserve forces
8 of the United States who completed a minimum aggregate of
9 ninety days of active federal service, other than training,
10 and was discharged under honorable conditions, or was retired
11 under Title X of the United States Code shall be included as a
12 veteran.

13 (2) Former members of the Iowa national guard who served
14 at least twenty years in the Iowa national guard ~~after-January~~
15 ~~28, 1973~~, and who were discharged under honorable conditions.
16 However, a member of the Iowa national guard who was activated
17 for federal duty, other than training, for a minimum aggregate
18 of ninety days, and was discharged under honorable conditions
19 or was retired under Title X of the United States Code shall
20 be included as a veteran.

21 Sec. 2. Section 35.1, subsection 2, paragraph b, Code
22 2005, is amended by adding the following new subparagraphs:

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

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

30 Sec. 3. NEW SECTION. 35.2 PROOF OF VETERAN STATUS FOR
31 CERTAIN VETERANS.

32 In the case of a veteran described in section 35.1,
33 subsection 2, paragraph "b", subparagraph (6) or (7), such
34 veteran shall obtain a statement signed by the veteran's
35 immediate commanding officer in order to fulfill any

1 eligibility requirements under Iowa law pertaining to veteran
2 status. The date of the statement shall be no more than six
3 months from the date of the claim for which veteran status is
4 required.

5 Sec. 4. Section 426A.13, unnumbered paragraphs 1 through
6 3, Code 2005, are amended to read as follows:

7 A person named in section 426A.11, who is a resident of and
8 domiciled in the state of Iowa, shall receive a reduction
9 equal to the exemption, to be made from any property owned by
10 the person or owned by a family farm corporation of which the
11 person is a shareholder and who occupies the property and so
12 designated by proceeding as provided in the section. To be
13 eligible to receive the exemption the person claiming it shall
14 have recorded in the office of the county recorder of the
15 county in which is located the property designated for the
16 exemption, evidence of property ownership by that person or
17 the family farm corporation of which the person is a
18 shareholder and the military certificate of satisfactory
19 service, order transferring to inactive status, reserve,
20 retirement, order of separation from service, honorable
21 discharge or a copy of any of these documents of the person
22 claiming or through whom is claimed the exemption. In the
23 case of a person claiming the exemption for currently serving
24 in the reserve forces of the United States or the Iowa
25 national guard, the person shall file the statement required
26 by section 35.2.

27 The person shall file with the appropriate assessor on
28 forms obtained from the assessor the claim for exemption for
29 the year for which the person is first claiming the exemption.
30 The claim shall be filed not later than July 1 of the year for
31 which the person is claiming the exemption. The claim shall
32 set out the fact that the person is a resident of and
33 domiciled in the state of Iowa, and a person within the terms
34 of section 426A.11, and shall give the volume and page on
35 which the certificate of satisfactory service, order of

1 separation, retirement, furlough to reserve, inactive status,
2 or honorable discharge or certified copy thereof is recorded
3 in the office of the county recorder, and may include the
4 designation of the property from which the exemption is to be
5 made, and shall further state that the claimant is the
6 equitable or legal owner of the property designated or if the
7 property is owned by a family farm corporation, that the
8 person is a shareholder of that corporation and that the
9 person occupies the property. In the case of a person
10 claiming the exemption for currently serving in the reserve
11 forces of the United States or the Iowa national guard, the
12 person shall file the statement required by section 35.2.

13 Upon the filing and allowance of the claim, the claim shall
14 be allowed to that person for successive years without further
15 filing. However, in the case of a person currently serving in
16 the reserve forces of the United States or the Iowa national
17 guard, such person shall file each year to be eligible to
18 obtain the exemption. Provided, that notwithstanding the
19 filing or having on file a claim for exemption, the person or
20 person's spouse is the legal or equitable owner of the
21 property on July 1 of the year for which the claim is allowed.
22 When the property is sold or transferred or the person wishes
23 to designate different property for the exemption, a person
24 who wishes to receive the exemption shall refile for the
25 exemption. A person who sells or transfers property which is
26 designated for the exemption or the personal representative of
27 a deceased person who owned such property shall provide
28 written notice to the assessor that the property is no longer
29 legally or equitably owned by the former claimant.

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

33 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
34 immediate importance, takes effect upon enactment.

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EXPLANATION

1 This bill amends the definition of "veteran" to include
2 members of the reserve forces of the United States and members
3 of the Iowa national guard who have served at least 20 years
4 and who continue to serve in the reserve forces or the Iowa
5 national guard. By operation of law, such persons will be
6 eligible for veterans' benefits, preferences, eligibility for
7 appointments, and the military service tax credit and
8 exemption, all as provided by Iowa law.

9 In response to the requirement of Code section 25B.7, the
10 military service tax credits and exemptions resulting from the
11 bill are funded as provided in Code chapter 426A.

12 The bill takes effect upon enactment.

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1 Amend Senate File 333 as follows:

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

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

6 v. The ~~commission~~ department of veterans affairs,
7 which has primary responsibility for state veterans
8 affairs.

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

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

14 2. Page 2, by inserting before line 5, the
15 following:

16 "Sec. _____. Section 35.8, Code 2005, is amended to
17 read as follows:

18 35.8 WAR ORPHANS EDUCATIONAL AID FUND.

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

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

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

45 Sec. _____. Section 35.10, Code 2005, is amended to
46 read as follows:

47 35.10 ELIGIBILITY AND PAYMENT OF AID.

48 Eligibility for aid shall be determined upon
49 application to the ~~commission~~ department of veterans
50 affairs, whose decision is final. The eligibility of

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

25 Sec. _____. Section 35A.1, Code 2005, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 3A. "Department" means the Iowa
28 department of veterans affairs established in section
29 35A.4.

30 Sec. _____. Section 35A.1, subsection 4, Code 2005,
31 is amended to read as follows:

32 4. "Director" means the ~~executive~~ director
33 appointed pursuant to section 35A.8.

34 Sec. _____. Section 35A.3, subsection 2, Code 2005,
35 is amended to read as follows:

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

39 Sec. _____. Section 35A.3, subsections 3, 4, 5, 6,
40 7, 8, 9, 10, 11, 12, and 14, Code 2005, are amended by
41 striking the subsections.

42 Sec. _____. NEW SECTION. 35A.4 DEPARTMENT
43 ESTABLISHED.

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

48 Sec. _____. NEW SECTION. 35A.5 DUTIES OF THE
49 DEPARTMENT.

50 The department shall do all of the following:

- 1 1. Supervise the commandant's administration of
2 commission and department policy for the operations
3 and conduct of the Iowa veterans home.
- 4 2. Maintain information and data concerning the
5 military service records of Iowa veterans.
- 6 3. Assist county veteran affairs commissions
7 established pursuant to chapter 35B. The department
8 shall provide to county commissions suggested uniform
9 benefits and administrative procedures for carrying
10 out the functions and duties of the county
11 commissions.
- 12 4. Permanently maintain the records including
13 certified records of bonus applications for awards
14 paid from the war orphans educational fund under
15 chapter 35.
- 16 5. Collect and maintain information concerning
17 veterans affairs.
- 18 6. Conduct two service schools each year for the
19 Iowa association of county commissioners and executive
20 directors.
- 21 7. Assist the United States veterans
22 administration, the Iowa veterans home, funeral
23 directors, and federally chartered veterans service
24 organizations in providing information concerning
25 veterans service records and veterans affairs data.
- 26 8. Maintain alphabetically a permanent registry of
27 the graves of all persons who served in the military
28 or naval forces of the United States in time of war
29 and whose mortal remains rest in Iowa.
- 30 9. Provide training to executive directors of
31 county commissions of veteran affairs pursuant to
32 section 35B.6. The commission may adopt rules in
33 accordance with chapter 17A to provide for training of
34 county veteran affairs executive directors.
- 35 10. Establish and operate a state veterans
36 cemetery and make application to the government of the
37 United States or any subdivision, agency, or
38 instrumentality thereof, for funds for the purpose of
39 establishing such a cemetery. The state may enter
40 into agreements with any subdivision of the state for
41 assistance in operating the cemetery. The state shall
42 own the land on which the cemetery is located. The
43 department shall have the authority to accept federal
44 grant funds, funding from state subdivisions,
45 donations from private sources, and federal "plot
46 allowance" payments. All such funds shall be
47 deposited into an account dedicated to the
48 establishment, operation, and maintenance of a
49 veterans cemetery and these funds shall be expended
50 only for those purposes. The department through the

1 director shall have the authority to accept suitable
2 cemetery land, in accordance with federal veterans
3 cemetery grant guidelines, from the federal
4 government, state government, state subdivisions,
5 private sources, and any other source wishing to
6 transfer land for use as a veterans cemetery.

7 11. Carry out the policies of the department.

8 Sec. _____. Section 35A.8, subsections 1, 2, and 3,
9 Code 2005, are amended to read as follows:

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

16 2. The ~~executive~~ director shall be a resident of
17 the state of Iowa and an honorably discharged veteran
18 who served in the armed forces of the United States
19 during a conflict or war. As used in this section,
20 the dates of service in a conflict or war shall
21 coincide with the dates of service established by the
22 Congress of the United States.

23 3. Except for the employment duties and
24 responsibilities assigned to the commandant for the
25 Iowa veterans home, the ~~executive~~ director shall
26 employ such personnel as are necessary for the
27 performance of the duties and responsibilities
28 assigned to the department and the commission. All
29 employees shall be selected on a basis of fitness for
30 the work to be performed with due regard to training
31 and experience and shall be subject to the provisions
32 of chapter 8A, subchapter IV.

33 Sec. _____. Section 35A.8, subsection 4, paragraph
34 a, Code 2005, is amended to read as follows:

35 a. The ~~executive~~ director shall provide for the
36 administration of the bonus authorized in this
37 subsection. The commission shall adopt rules,
38 pursuant to chapter 17A, as necessary to administer
39 this subsection including, but not limited to,
40 application procedures, investigation, approval or
41 disapproval, and payment of claims.

42 Sec. _____. Section 35A.9, subsections 1 and 2, Code
43 2005, are amended to read as follows:

44 1. The ~~executive~~ director, commandant, and
45 employees of the ~~commission~~ department and the Iowa
46 veterans home are entitled to receive, in addition to
47 salary, reimbursement for actual expenses incurred
48 while engaged in the performance of official duties.

49 2. All out-of-state travel by commissioners, the
50 ~~executive~~ director, the commandant, or employees of

1 the ~~commission~~ department or the Iowa veterans home
2 shall be approved by the chairperson of the
3 commission.

4 Sec. _____. Section 35A.10, subsections 1 and 2,
5 Code 2005, are amended to read as follows:

6 1. The ~~commission~~ department shall work with the
7 department of administrative services to prepare and
8 submit to the director of the department of
9 management, as provided in section 8.23, a multiyear
10 construction program including estimates of the
11 expenditure requirements for the construction, repair,
12 or improvement of buildings, grounds, or equipment at
13 the ~~commission~~ department of veterans affairs building
14 at Camp Dodge and the Iowa veterans home in
15 Marshalltown.

16 2. The commandant and the ~~commission~~ department
17 shall have plans and specifications prepared by the
18 department of administrative services for authorized
19 construction, repair, or improvement projects in
20 excess of twenty-five thousand dollars. An
21 appropriation for a project shall not be expended
22 until the department of administrative services has
23 adopted plans and specifications and has completed a
24 detailed estimate of the cost of the project, prepared
25 under the supervision of a registered architect or
26 registered professional engineer.

27 Sec. _____. Section 35A.11, Code 2005, is amended to
28 read as follows:

29 35A.11 VETERANS LICENSE FEE FUND.

30 A veterans license fee fund is created in the state
31 treasury under the control of the ~~commission~~
32 department. The fund shall include the fees credited
33 by the treasurer of state from the sale of special
34 veteran license plates pursuant to section 321.34,
35 subsection 13, paragraph "d". Notwithstanding section
36 12C.7, interest or earnings on moneys in the veterans
37 license fee fund shall be credited to the veterans
38 license fee fund. Moneys in the fund are appropriated
39 to the ~~commission~~ department to be used to fulfill the
40 responsibilities of the ~~commission~~ department.

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

43 b. Upon the employment of an executive director,
44 the executive director shall complete a course of
45 initial training provided by the ~~commission~~ department
46 of veterans affairs pursuant to section ~~35A.3~~ 35A.5.
47 If an executive director is not appointed, a
48 commissioner or a clerical assistant shall complete
49 the course of training. The ~~commission~~ department
50 shall issue the executive director, commissioner, or

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

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

12 35B.11 DATA FURNISHED STATE COMMISSION.

13 The commission of veteran affairs of each county
14 shall provide information to the ~~state commission~~
15 department of veterans affairs as the ~~state commission~~
16 department may request.

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

19 35B.19 BURIAL RECORDS.

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

34 Sec. _____. Section 35D.1, subsection 2, paragraph
35 b, Code 2005, is amended to read as follows:

36 b. ~~"Commission"~~ "Department" means the ~~commission~~
37 department of veterans affairs established in section
38 ~~35A.2~~ 35A.4.

39 Sec. _____. Section 35D.2, subsection 1, Code 2005,
40 is amended to read as follows:

41 1. Persons described in section 35D.1 who do not
42 have sufficient means for their own support, or are
43 disabled by disease, wounds, old age, or otherwise,
44 and are unable to earn a livelihood, and who are
45 residents of the state of Iowa on the date of the
46 application and immediately preceding the date the
47 application is accepted, may be admitted to the home
48 as members under rules adopted by the commission of
49 veterans affairs. Eligibility determinations are
50 subject to approval by the commandant.

1 Sec. _____. Section 35D.3, Code 2005, is amended to
2 read as follows:

3 35D.3 RULES -- GENERAL MANAGEMENT.

4 The commission of veterans affairs shall adopt all
5 the necessary rules, pursuant to chapter 17A, for the
6 preservation of order and enforcement of discipline,
7 the promotion of health and well-being of all the
8 members, and the management and control of the home
9 and its grounds.

10 Sec. _____. Section 35D.4, subsection 2, Code 2005,
11 is amended to read as follows:

12 2. The cottages may be made available to persons
13 on the staff of the home at a rental rate determined
14 by the commission of veterans affairs.

15 Sec. _____. Section 35D.7, subsection 3, Code 2005,
16 is amended to read as follows:

17 3. The commandant may require any member of the
18 home to render assistance in the care of the home and
19 its grounds as the member's psycho-social and physical
20 condition permit, as a phase of that member's
21 rehabilitation program. The commandant shall
22 compensate each member who furnishes assistance at
23 rates established by the commission of veterans
24 affairs.

25 Sec. _____. Section 35D.8, Code 2005, is amended to
26 read as follows:

27 35D.8 CONDITIONAL ADMITTANCE.

28 The commission department may, if there is room for
29 all dependent members and applicants, admit and allow
30 to remain in the home persons who have sufficient
31 means for their own support but are otherwise eligible
32 to become members of the home, on payment of the cost
33 of their support. The cost and method of collection
34 shall be determined by the commission of veterans
35 affairs.

36 Sec. _____. Section 35D.11, subsection 2, Code 2005,
37 is amended to read as follows:

38 2. The commandant, if authorized by a member of
39 the home, and pursuant to policies adopted by the
40 commission of veterans affairs, may act on behalf of
41 that member in receiving, disbursing, and accounting
42 for personal funds of the member received from any
43 source. The authorization may be given by the member
44 at any time and shall not be a condition of admission
45 to the home.

46 Sec. _____. Section 35D.12, subsection 2, Code 2005,
47 is amended to read as follows:

48 2. The commandant, if authorized by a member of
49 the home, and pursuant to policies adopted by the
50 commission of veterans affairs, may make withdrawals

1 against that member's personal account to pay regular
2 bills and other expenses incurred by the member. The
3 authorization may be given by the member at any time
4 and shall not be a condition of admission to the home.

5 Sec. _____. Section 35D.13, subsections 1 and 3,
6 Code 2005, are amended to read as follows:

7 1. The governor shall appoint a commandant,
8 subject to senate confirmation, who shall serve at the
9 pleasure of the governor as the chief executive of the
10 home. The commandant shall report directly to the
11 ~~commission~~ department and shall have the immediate
12 custody and control, subject to the orders of the
13 ~~commission~~ department, of all property used in
14 connection with the home.

15 3. The salary of the commandant shall be fixed by
16 the governor within salary guidelines or a range
17 established by the general assembly. In addition to
18 salary, the ~~commission~~ department shall furnish the
19 commandant with a dwelling house or with appropriate
20 quarters and additional allowances, as provided in
21 section 218.14 for executive heads of state
22 institutions.

23 Sec. _____. Section 35D.15, Code 2005, is amended to
24 read as follows:

25 35D.15 RULES ENFORCED -- POWER TO SUSPEND AND
26 EXPEL MEMBERS.

27 The commandant shall administer and enforce all
28 rules adopted by the commission of veterans affairs,
29 including rules of discipline and, subject to these
30 rules, may immediately suspend the membership of and
31 expel any person from the home for infraction of the
32 rules when the commandant determines that the health,
33 safety, or welfare of the residents of the home is in
34 immediate danger and other reasonable alternatives
35 have been exhausted. The suspension and expulsion are
36 temporary pending action by the ~~commission~~ department.
37 Judicial review of the action of the ~~commission~~
38 department may be sought in accordance with chapter
39 17A.

40 Sec. _____. Section 35D.17, Code 2005, is amended to
41 read as follows:

42 35D.17 REPORT BY COMMANDANT.

43 The commandant shall, biennially, make a full and
44 detailed report to the governor, the ~~commission~~
45 department, and the general assembly, showing the
46 condition of the home, the number of members in the
47 Iowa veterans home, the order and discipline enforced,
48 and the needs of the home financially and otherwise,
49 together with an itemized statement of all receipts
50 and disbursements and any other matters of importance

1 in the management and control of the Iowa veterans
2 home.

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

5 3. ~~"Commission"~~ "Department" means the ~~commission~~
6 department of veterans affairs established in section
7 35A.4.

8 Sec. _____. Section 36.2, Code 2005, is amended to
9 read as follows:

10 36.2 CHEMICAL EXPOSURE REPORT TO ~~COMMISSION~~
11 DEPARTMENT.

12 A licensed physician, as defined in section 135.1,
13 subsection 4, who treats a veteran the physician
14 believes may have been exposed to chemicals while
15 serving in the armed forces of the United States shall
16 submit a report indicating that information to the
17 ~~commission~~ department at the request of the veteran
18 pursuant to section 36.3.

19 Sec. _____. Section 36.3, Code 2005, is amended to
20 read as follows:

21 36.3 DUTIES OF THE ~~COMMISSION~~ DEPARTMENT.

22 The ~~commission~~ department shall:

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

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

28 b. Diagnosis of the veteran.

29 c. Methods of treatment prescribed.

30 2. Annually compile and evaluate the information
31 submitted in the reports pursuant to subsection 1, in
32 consultation and cooperation with a certified medical
33 toxicologist selected by the ~~commission~~ department.

34 The ~~commission~~ department shall submit the report to
35 the governor, the general assembly, and the United
36 States veterans' administration. The report shall
37 include current research data on the effects of
38 exposure to chemicals, statistical information
39 received from individual physicians' reports, and
40 statistical information from the epidemiological
41 investigations pursuant to subsection 3.

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

50 The ~~commission~~ department shall cooperate with

1 local and state agencies during the course of an
2 investigation.

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

5 The ~~commission~~ department shall not identify a
6 veteran consenting to the epidemiological
7 investigations pursuant to section 36.3, subsection 3,
8 unless the veteran consents to the release of
9 identity. The statistical information compiled by the
10 ~~commission~~ department pursuant to section 36.3 is a
11 public record.

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

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

18 Sec. _____. Section 36.7, Code 2005, is amended to
19 read as follows:

20 36.7 FEDERAL PROGRAM.

21 If the ~~commission~~ department or the general
22 assembly determines that an agency of the federal
23 government or the state of Iowa is providing the
24 referral and genetic services pursuant to section
25 36.6, the ~~commission~~ department or the general
26 assembly by specific action may discontinue all or
27 part of the services and requirements in this chapter.

28 Sec. _____. Section 36.8, Code 2005, is amended to
29 read as follows:

30 36.8 RULES.

31 The ~~commission~~ department shall adopt rules
32 pursuant to chapter 17A to implement this chapter.

33 Sec. _____. Section 36.9, Code 2005, is amended to
34 read as follows:

35 36.9 APPROPRIATIONS.

36 This chapter shall be implemented by the ~~commission~~
37 department each fiscal year that appropriations are
38 made to the ~~commission~~ department for the
39 implementation.

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

42 135C.31A ASSESSMENT OF RESIDENTS -- PROGRAM
43 ELIGIBILITY.

44 Beginning July 1, 2003, a health care facility
45 receiving reimbursement through the medical assistance
46 program under chapter 249A shall assist the Iowa
47 ~~commission~~ department of veterans affairs in
48 identifying, upon admission of a resident, the
49 resident's eligibility for benefits through the
50 federal department of veterans affairs. The health

1 care facility shall also assist the Iowa ~~commission~~
2 department of veterans affairs in determining such
3 eligibility for residents residing in the facility on
4 July 1, 2003. The department of inspections and
5 appeals, in cooperation with the department of human
6 services, shall adopt rules to administer this
7 section, including a provision that ensures that if a
8 resident is eligible for benefits through the federal
9 department of veterans affairs or other third-party
10 payor, the payor of last resort for reimbursement to
11 the health care facility is the medical assistance
12 program. This section shall not apply to the
13 admission of an individual to a state mental health
14 institute for acute psychiatric care or to the
15 admission of an individual to the Iowa veterans home.

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

18 48. Develop and administer, with the cooperation
19 of the ~~commission~~ department of veterans affairs, a
20 program which shall be known as operation recognition.
21 The purpose of the program is to award high school
22 diplomas to veterans of World War I, World War II, and
23 the Korean and Vietnam conflicts who left high school
24 prior to graduation to enter United States military
25 service. The department of education and the
26 ~~commission~~ department of veterans affairs shall
27 jointly develop an application procedure, distribute
28 applications, and publicize the program to school
29 districts, accredited nonpublic schools, county
30 commissions of veteran affairs, veterans
31 organizations, and state, regional, and local media.
32 All honorably discharged veterans who are residents or
33 former residents of the state; who served at any time
34 between April 6, 1917, and November 11, 1918, at any
35 time between September 16, 1940, and December 31,
36 1946, at any time between June 25, 1950, and January
37 31, 1955, or at any time between February 28, 1961,
38 and May 5, 1975, all dates inclusive; and who did not
39 return to school and complete their education after
40 the war or conflict shall be eligible to receive a
41 diploma. Diplomas may be issued posthumously. Upon
42 approval of an application, the department shall issue
43 an honorary high school diploma for an eligible
44 veteran. The diploma shall indicate the veteran's
45 school of attendance. The department of education and
46 the ~~commission~~ department of veterans affairs shall
47 work together to provide school districts, schools,
48 communities, and county commissions of veteran affairs
49 with information about hosting a diploma ceremony on
50 or around Veterans Day. The diploma shall be mailed

1 to the veteran or, if the veteran is deceased, to the
2 veteran's family.

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

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

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

15 e. When otherwise required by a department or
16 agency of the federal or state government or a
17 political subdivision. The recorder shall make these
18 records available to the ~~commission~~ department of
19 veterans affairs. The ~~commission~~ department of
20 veterans affairs and its employees shall be subject to
21 the same state and federal confidentiality
22 restrictions and requirements that are imposed on the
23 recorder."

24 3. Page 3, by inserting before line 30, the
25 following:

26 "Sec. _____. Section 483A.24, subsection 13, Code
27 2005, is amended to read as follows:

28 13. Upon payment of the fee of thirty dollars for
29 a lifetime hunting and fishing combined license, the
30 department shall issue a hunting and fishing combined
31 license to a resident of Iowa who is a veteran, as
32 defined in section 35.1, who was disabled or was a
33 prisoner of war during that veteran's military
34 service. The department shall prepare an application
35 to be used by a person requesting a hunting and
36 fishing combined license under this subsection. The
37 ~~commission~~ department of veterans affairs shall assist
38 the department in verifying the status or claims of
39 applicants under this subsection. As used in this
40 subsection, "disabled" means entitled to compensation
41 under the United States Code, Title 38, ch. 11.

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

44 "Employee of the state" includes any one or more
45 officers, agents, or employees of the state or any
46 state agency, including members of the general
47 assembly, and persons acting on behalf of the state or
48 any state agency in any official capacity, temporarily
49 or permanently in the service of the state of Iowa,
50 whether with or without compensation, but does not

1 include a contractor doing business with the state.
2 Professional personnel, including physicians,
3 osteopathic physicians and surgeons, osteopathic
4 physicians, optometrists, dentists, nurses, physician
5 assistants, and other medical personnel, who render
6 services to patients or inmates of state institutions
7 under the jurisdiction of the department of human
8 services or the Iowa department of corrections, and
9 employees of the ~~commission~~ department of veterans
10 affairs, are to be considered employees of the state,
11 whether the personnel are employed on a full-time
12 basis or render services on a part-time basis on a fee
13 schedule or other arrangement. Criminal defendants
14 while performing unpaid community service ordered by
15 the district court, board of parole, or judicial
16 district department of correctional services, or an
17 inmate providing services pursuant to a chapter 28E
18 agreement entered into pursuant to section 904.703,
19 and persons supervising those inmates under and
20 according to the terms of the chapter 28E agreement,
21 are to be considered employees of the state."

22 4. Title page, line 1, by inserting after the
23 word "Act" the following: "relating to veterans by
24 providing for the establishment of a department of
25 veterans affairs, and".

26 5. By renumbering as necessary.

By JOHN P. KIBBIE