

# IOWA DEPARTMENT OF VETERANS AFFAIRS



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## Session Review – 2009

### Health and Human Services

#### Omnibus Appropriations Bill

House File 811

*Signed into Law*

Budget decisions in the Health and Human Services Appropriation Subcommittee were distributed equitably among the departments that are funded through this bill. The Iowa Department of Veterans Affairs (IDVA) is fully aware of the economic hardships facing this nation and state and is working hard to ensure that any reduction in funding does not result in a reduction of service. We, along with all state departments, must take our share of reductions to ensure the strength of our state.

#### IDVA Operating Budget

The 2009 Health and Human Services Budget included operating reductions to the Department of Veterans Affairs' budget. The Fiscal Year 2010 budget provides \$1,067,170, for the department's ongoing expenses. This amount is a reduction of \$132,159 from Fiscal Year 2009 which had previously been reduced by \$44,415 from the original appropriated amount. This is a total reduction in funding of \$176,574 since the beginning of Fiscal Year 09.

#### War Orphan Fund

This budget item also includes a reduced appropriation of \$22,944 for educational assistance to the children of veterans killed in action. The actual amount provided in Fiscal Year 09 was \$25,785.

#### County Office Allocation

The legislature did fully fund the \$10,000 allocation to each county for providing services to veterans. This \$1,000,000

appropriation includes \$10,000 to IDVA for providing accreditation training through the National Association of County Veteran Service Officers (NACVSO). This budget item fully funds provisions that were established in the 2008 legislative session (SF 2134) that become effective on July 1, 2009. Senate File 2134 mandates that counties provide a minimum number of hours for veterans affairs services and that a county office employee be NACVSO accredited. ~



### Infrastructure Appropriations Bill

House File 822

*Signed into Law*

There was one item of interest to veterans in the Infrastructure bill. This provision provides \$1.6 million to IDVA for the Military Home Ownership Program. The appropriation will be transferred to the Iowa Finance Authority who distributes the funding to veterans and administers the program. ~

## Interstate Compact on Educational Opportunity for Military Children

House File 214  
*Signed into Law*

This legislation enters Iowa into the Interstate Compact on Educational Opportunity for Military Children. Iowa will join 11 other states across the nation to recognize the importance of making the transition of school age/military children in a new school easier. This compact provides that Iowa will waive certain restrictions for these children when coming to a new school in Iowa. Some of the areas may include educational records, immunizations, kindergarten and first grade entrance age, course and program placement, special education services, extracurricular participation and eligibility, and graduation requirements.

By entering into the compact, Iowa will be assessed \$182 annually by the compact. This is \$1.00 for each school age child identified at the time the National Center for Interstate Compacts with the Council of State Governments surveyed the state. The bill may also impact the Department of Education due to sending the Iowa compact member to compact meetings.



## Modifications to County VA Office Requirements

House File 283  
*Signed into Law*

These changes are in response to further analysis of Senate File 2134 that was signed into law last session. This legislation:

- Expands the available usage of the \$10,000 county VA allocation so that the funding does not have to be used strictly for the employment of a director. Under this bill it can now be used to fulfill the duties of the county office (35B.6).
- Provides that if the county VA office is not in compliance with the training and office hour's requirements, the \$10,000 allocation will be returned to the state and placed in the County Commission of Veterans Affairs Fund.
- Establishes a maintenance of effort requirement so that counties cannot reduce their VA expenditures and replace it with the \$10,000 state allocation.
- Provides that two counties utilizing a 28E agreement must meet their minimum requirement for office hours based on their own county's population. This is done by eliminating the aggregate population language in last year's legislation that determines the office hours based on the combined population of the two counties with the hours divided proportionally between the two counties. ~

## Definition of a Veteran Change

House File 503

*Signed into Law*

This bill modifies the definition of a veteran to include “peacetime” veterans in Iowa Code. However, the bill does not expand the property tax exemption for these veterans as the cost would be prohibitive at this time. This bill is effective July 1, 2010.

This bill extends the title of veteran under Iowa law to approximately 64,000 peacetime veterans. These are military members who served on active duty but are not considered veterans because they did not serve during a time of conflict, even though they were constantly at risk of service while in the military.



This expansion will help veterans at the county level needing financial assistance by allowing them to utilize the county VA office instead of general relief. The county VA office will be able to help with the veteran’s short-term needs and ask the pertinent questions to find out if the veteran is eligible for any federal benefits. These are questions that may not be asked at any other county office. By placing these veterans in the VA offices, the veteran is provided with the dignity of not having to go to the county welfare line and will hopefully help them in obtaining funds from the federal VA. Once on the VA roles, they will no longer need to access county assistance. ~

## Mortgage Foreclosure

### Protection for Iowa Military

#### Members

House File 706

*Signed into Law*

This new law provides additional mortgage foreclosure protections in Iowa Code for activated Iowa National Guard and Reserve members. The bill provides for the following:

- Increases the current state penalty for knowingly foreclosing on an Iowa National Guard member on state active duty from a simple misdemeanor to a serious misdemeanor.
- Places in Iowa Code the mortgage protections found in the federal Service Member’s Civil Relief Act of 2003 for active duty military, and Iowa Reservists and National Guard members called to federal active duty.
- This bill requires the Iowa Department of Veterans Affairs and the Commerce Department to publicize this protection. At a minimum, the bill requires information posted on the department’s websites. ~



*Bill signing ceremony at the Sullivan Brothers Iowa Veterans Museum in Waterloo, Iowa for HF 503, HF 706, SF 186, and SF 451. (l-r) Patrick Palmersheim, Rep. Berry, Rep. Kelley, Ed Gallagher, Governor Chet Culver, Sen. Danielson, Sen. Heckroth, and Rep. Kressig*

Presentation of Flags to Families of Killed in Action Military Personnel

Senate File 112  
*Signed into Law*

This bill codifies Governor Culver’s Executive Order 1. Under this legislation, the Governor’s Office or Iowa Department of Veterans Affairs will be responsible for presenting the United States Flag and Iowa State Flag to the family members of Iowa military personnel who were killed in action. The flags are furnished by the department and will have been flown at half-staff over the capitol in honor of the fallen soldier on the day of the funeral. ~



Veterans Preference for Non-Iowa Residents

Senate File 186 and Senate File 478  
*Signed into Law*

This bill expands Iowa’s veteran preference statutes to include all veterans regardless of where they live. Current practice only provides veteran preference to Iowa residents. This preference is for public employment at the state and local levels only. ~

Unemployment Modifications for Temporary Workers Replacing Activated Iowa Military Personnel

Senate File 197, section 4  
*Signed into Law*

The *Unemployment Insurance Modernization Act*, section 4, waives employer charges for unemployment benefits paid for temporary workers who are unemployed due to the return of the military personnel to their prior position.

This waiver helps alleviate some of the financial burden associated with hiring a military member due to the unemployment costs resulting from laying off temporary employees when the military member returns from a deployment. ~

Federal Department of Veterans Affairs Name Update

Senate File 241  
*Signed into Law*

This purely technical bill updates references to the United States Department of Veterans Affairs in Iowa Code. This change reflects the current name and status as a Federal department. ~



## Veteran Resident Reporting for Assisted Living Facilities

Senate File 203

*Signed into Law*

This bill expands the current nursing home reporting program for veterans to all assisted living facilities in Iowa; it requires assisted living facilities to report their residents that are veterans, and spouses, widows, and dependents of veterans to Iowa Department of Veterans Affairs (IDVA).

Currently, nursing homes report to IDVA their residents that are veterans and their spouses, widows, or dependents. This information is used by IDVA and counties to contact the veteran's family to determine if they are eligible for a non-service connected pension through the federal VA.

The nursing home reporting program was established in Iowa to access federal dollars to pay for nursing home stays and to limit the cost to Iowa for Medicaid. By accessing the non-service connected pension before a veteran goes on Medicaid, the veteran stays on private pay longer which is a benefit to both the state and the facility.

Recently federal law has changed in relation to assisted living facility expenses being included in Aid and Attendance qualifications for a non-service connected pension. Therefore, a reporting system for assisted living facilities will help to get veterans on a non-service connected pension before entering a nursing home.

Furthermore, a veteran or spouse in receipt of a non-service connected pension and Medicaid is entitled to keep \$140 a month for spending money. This is \$90 more than if they were on Medicaid alone. ~

## County Veterans Affairs Office Report

Senate File 254

*Signed into Law*

This bill requires IDVA to prepare a report to the General Assembly, Governor, Iowa Commission of Veterans Affairs, Iowa Association of County Commissions of Veterans Affairs, and County Boards of Supervisors. This report will include:

- Information related to compliance with the training requirements under section 35B.6 during the previous calendar year;
- The weekly operating schedule of each county commission of veteran affairs office maintained under section 35B.6;
- The number of hours of veterans' services provided by each county commission of veteran affairs executive director or administrator during the previous calendar year;
- Population of each county, including the number of veterans residing in each county;
- The total amount of compensation, disability benefits, or pensions received by the residents of each county under laws administered by the United States department of veterans affairs; and
- An analysis of this information that includes a historical prospective.

This report is due on August 31 of each calendar year and will be sent electronically to County Boards of Supervisors and County Commissions of Veterans Affairs. Information needed in the report that can only be generated by the county VA office is required to be provided to the department in compliance with Iowa Code 35B.11. ~

*Questions????*

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## VA Prescription Drugs in Nursing Homes

Senate File 440  
*Signed into Law*

This bill requires facilities that do not accept Medicaid patients to report the veterans, spouses, dependents, and widows of veterans living in their facility to the nursing home reporting program. This program identifies these individuals so they can apply for Federal VA benefits for which they may be eligible. The program is in conjunction with the Iowa Department of Inspection and Appeals.

The bill also ensures that all Long Term Care facilities will accept VA drugs for veterans living in their facility. ~

## Resident Tuition for Veterans

Senate File 451  
*Signed into Law*

This bill immediately waives the residency requirement for qualifying veterans, their spouse, or dependents who attend an Iowa Regents Institution or Community College. The veteran would need to be domiciled in the state and be eligible for or have exhausted all of their post 9/11 GI bill benefits.

The bill also provides that military personnel who are stationed on the Rock Island Arsenal also qualify for Iowa in-state tuition. The tuition is for undergraduate degrees only. ~

## Post-Session Thanks!!!!

*Once again, it has been truly an honor to represent veteran's issues at the Iowa Legislature. Without the assistance of many individuals, this session would have not been a success. An enormous thank you to the Iowa General Assembly, the Legislative Service Agency and Caucus staff... This year's Veterans Affairs committees were very positive and provided excellent debate throughout the session. A special thanks to Senator Beall, Representative Zirkelbach, Senator Seymour, and Representative Windschitl. Also, thank you to Lisa Purvis, Steve Mulcahy, Elizabeth Ledvina, Don Roepke, Laverne Schroeder, and John Derner.*

