

**VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]**

**Notice of Intended Action**

**Proposing rule making related to county of residence upon discharge and providing an opportunity for public comment**

The Commission on Veterans Affairs hereby proposes to amend Chapter 10, “Iowa Veterans Home,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 35D.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2018 Iowa Acts, House File 2445.

*Purpose and Summary*

An amendment is required due to the enactment of House File 2445 in the 2018 Legislative Session. This proposed rule making updates wording regarding county of settlement.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 801—Chapter 4.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Commission no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Timon Oujiri  
Commandant, Iowa Veterans Home  
1301 Summit Street  
Marshalltown, Iowa 50158  
Phone: 641.753.4309  
Fax: 641.753.4278  
Email: [timon.oujiri@ivh.state.ia.us](mailto:timon.oujiri@ivh.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 801—10.41(35D) as follows:

**801—10.41(35D) County of ~~settlement~~ residence upon discharge.** A member does not acquire legal ~~settlement~~ residency in Marshall County, the county in which IVH is located, unless the member is voluntarily or involuntarily discharged from IVH, ~~continuously resides in the county for a period of one year subsequent to the discharge and during that year is not readmitted to IVH and does not receive any services from IVH~~ and the member meets county of residence requirements. For purposes of this rule, "county of residence" means the same as defined in Iowa Code section 331.394.