Regulatory Analysis

Notice of Intended Action to be published: 801—Chapter 1
"Organization and Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 35A.5, 35A.8, 35B.19, 17A.4, 17A.9A, 35B.6, 35B.11, 35D.1, and 35D.17

State or federal law(s) implemented by the rulemaking: Iowa Code sections 35A.5, 35A.8, 35B.19, 17A.4, 17A.9A, 35B.6, 35B.11, 35D.1, and 35D.17

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 28, 2025 3:30 p.m.	Video call link: meet.google.com/mtw-zbss-sva Or dial: 361.400.7385 Conference ID: 993 125 828#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Veterans Affairs no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mike Olson
1301 Summit Street
Marshalltown, Iowa 50158
Email: michael.olson@ivh.state.ia.us

Purpose and Summary

This proposed rulemaking is intended to update the organization and procedures of the Department and eliminate obsolete information.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

No additional benefits or detriments are associated with this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no quantitative impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There is no qualitative impact associated with this proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

No anticipated implementation or enforcement costs are associated with this proposed rulemaking.

- **Anticipated effect on State revenues:**

No anticipated effects on State revenues are associated with this proposed rulemaking.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

This proposed rulemaking will provide benefit by informing the public about the realigned structure of the Department and updated sources to find information.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

This proposed rulemaking concerns the structure and procedures of the Department. There are no alternatives.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 801—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND PROCEDURES

801—1.1(35,35A,35D) Definitions. Unless otherwise provided for by law, the following definitions apply to 801—Chapters 1 through 17:

"Annual school of instruction" means annual classroom certification and recertification training sponsored by the department for county veterans service officers to meet accreditation requirements of the commandant.

"Armed forces graves" means graves of any individuals who die during or after discharge from honorable service in the army, navy, air force, marines, merchant marines, coast guard, space force, or as a federally activated reservist or member of the national guard and are buried within the state of Iowa.

"Cemetery" means the Iowa Veterans Cemetery.

"Chairperson" means the chairperson of the commission.

"Commandant" means the director of the Iowa department of veterans affairs.

"Commission" means the Iowa commission of veterans affairs.

"Commissioner" means a member of the Iowa commission of veterans affairs.

"County commission" means a county commission of veteran affairs.

"County commissioner" means a member of a county commission of veteran affairs.

"County veterans service officer" means an executive director or administrator of a county commission of veteran affairs.

"Department" means the Iowa department of veterans affairs.

801—1.2(35,35A,35D) Commission. The commission is established and operates in accordance with Iowa Code chapter 35A.

1.2(1) *Office location.* The commission maintains its office at the Iowa Department of Veterans Affairs at Camp Dodge. The mailing address is: Iowa Commission of Veterans Affairs, c/o Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The telephone number is 515.252.4698 or 1.800.838.4692 (1.800.VET.IOWA).

1.2(2) *Meetings and conduct of business.*

a. Meetings. Regular meetings of the commission are held four times a year during the months of January, April, July, and October at 10 a.m. Written notices stating the time and place of the meetings shall be provided consistent with Iowa Code chapter 21. Special meetings may be held pursuant to call by the chairperson. Notice of time and place is posted in the same manner as a regular meeting.

b. A quorum consists of two-thirds of the membership appointed and qualified to vote.

c. A quorum is needed to carry a position.

d. Copies of minutes are kept on file in the office of the department.

e. In cases not covered by these rules, Robert's Rules of Order apply.

1.2(3) *Duties.* In addition to duties prescribed by law, the commission will:

a. Organize and annually select a chairperson, a senior vice-chairperson and a junior vice-chairperson at the first meeting of each state fiscal year.

b. Supervise the commandant's administration of commission policy for the operation and conduct of the Iowa Veterans Home as set out in rule 801—1.4(35A,35D) and 801—Chapter 10.

c. Review proposed administrative rules submitted by the department concerning the management and operation of the department. Unless the commission votes to disapprove a proposed rule on a two-thirds vote at the earlier of the next regularly scheduled meeting of the commission or a special meeting of the commission called by the commission within 30 days of the date the proposed rule is submitted, the department may proceed to adopt the rule.

801—1.3(35,35A) Commandant. The commandant is responsible for administering the duties and enforcing the policies of the department, the commission, and the Iowa Veterans Home.

1.3(1) *Office location and hours.* The office of the commandant is located at Camp Dodge, Building 3465, 7105 NW 70th Avenue, Johnston, Iowa 50131-1824. The office is open to the public during the hours of 8 a.m. to 4:30 p.m., except Saturday, Sunday, and holidays. The telephone number is 515.252.4698 or 1.800.838.4692 (1.800.VET.IOWA).

1.3(2) *Administrative staff.* The commandant provides direction to administrative staff employed by the department to assist the commandant in carrying out assigned duties.

1.3(3) *Investigation of applications.* The commandant examines all applications and approves or disapproves the same and makes any investigation necessary to establish facts regarding veterans service status and veterans affairs data in accordance with Iowa Code chapters 35 and 35A.

1.3(4) *Duties.* In addition to duties prescribed by law, the department:

a. Ensures county commissions comply with required office hours.

b. Collects and maintains information concerning veterans affairs.

c. Assists the United States Department of Veterans Affairs, the Iowa Veterans Home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans' service records and veterans affairs data.

d. Administers or conducts one school for training of county veterans service officers and another for county commissioners of veteran affairs pursuant to Iowa Code section 35A.5(6). At the discretion of the commandant, training for newly appointed county veterans service officers may also be conducted. Training provided for veterans service officers includes accrediting courses, as well as other subjects at the discretion of the commandant, who certifies satisfactory completion. The training shall ensure that each county veterans service officer is proficient in the use of electronic mail, general computer use, and use of the Internet to access information regarding facilities, benefits, and services available to veterans and their families.

801—1.4(35A) Iowa Veterans Cemetery. The department operates and administers the Iowa Veterans Cemetery in accordance with United States Department of Veterans Affairs' standards.

1.4(1) *Operation and maintenance.* The cemetery shall be operated and maintained in accordance with national standards set forth in 38 U.S.C. 24 as effective on [effective date of the rulemaking].

1.4(2) *Application for interment.* The department shall provide veterans and their eligible dependents with a standardized application for interment at the cemetery. This application is available at the Iowa Veterans Cemetery, 34024 Veterans Memorial Drive, Adel, Iowa 50003-3300; the Iowa Department of Veterans Affairs, 7105 NW 70th Avenue, Camp Dodge, Building 3465, Johnston, Iowa 50131-1824; or online at dva.iowa.gov/iowa-veterans-cemetery.

1.4(3) *Eligibility.* The department makes eligibility for interment determinations consistent with 38 U.S.C. 24 as effective on [effective date of the rulemaking]. State residency is not a component of eligibility.

801—1.5 Reserved.

ARMED FORCES GRAVES REGISTRATION

801—1.6(35A,35B) Armed forces graves registration. Armed forces graves registration shall be completed as follows.

1.6(1) *Duties of the funeral director.* The funeral director who contracts to inter the deceased veteran shall complete Armed Forces Graves Registration Record, Form 582-1002, in duplicate, forwarding the original and copy to the county commission.

1.6(2) *Duties of the county commission.* The county commission records the information alphabetically, and by description of location in the cemetery where the veteran is buried, in a book prescribed by the commission and kept for that purpose in the office of the county commission. The county commission forwards the original Armed Forces Graves Registration Record to the commandant at the address provided in subrule 1.3(1).

1.6(3) *Where filed.* The original Armed Forces Graves Registration Record is filed at the office of the commandant.

1.6(4) *Forms.* Additional Armed Forces Graves Registration Record forms may be obtained by contacting the commandant's office in accordance with subrule 1.3(1).

This rule is intended to implement Iowa Code sections 35A.5 and 35B.19.

UNIFORM WAIVER RULES

801—1.7(17A,35D) Uniform waiver rule.

1.7(1) To the extent a waiver is consistent with applicable statute, constitutional provision, or other provision of law, the commission or commandant, as applicable, may issue an order, in response to the timely filing of a completed petition, granting a waiver, in whole or in part, from the

requirements of a rule under the jurisdiction of said commission or department, as applicable, as applied to the circumstances of a specified person, if the commission or commandant, as applicable, finds clear and convincing evidence of all four factors set out in Iowa Code section 17A.9A(2). The decision on whether the circumstances justify the granting of a waiver is made at the discretion of the chairperson or the commandant, as applicable, based on the unique, individual circumstances set out in the petition and upon consideration of all relevant factors.

1.7(2) A waiver, if granted, is drafted by the commission to provide the narrowest exception possible to the provisions of the rule. The commission may place any condition on a waiver that the commission finds desirable to protect the public health, safety and welfare. A waiver may not be permanent unless the petitioner shows that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the agency, a waiver may be renewed if the agency finds that all of the factors set out in 801—subrule 4.14(1) remain valid.

1.7(3) The burden of persuasion rests with the person who petitions the commission for the waiver of a rule.

1.7(4) This uniform waiver rule does not preclude the commission from granting waivers in other contexts or on the basis of other standards if the statute or other rules authorize it to do so and the commission deems it appropriate to do so.

801—1.8(17A,35D) Procedures for granting waivers.

1.8(1) Any person may file a petition requesting a waiver, in whole or in part, of a commission or department rule on the grounds that the application of the rule to the particular circumstances of that person justifies a waiver under this uniform waiver rule. The chairperson or commandant, as applicable, receives written petitions.

1.8(2) A petition for a waiver shall include the following information where applicable and known to the person requesting the waiver:

a. The name, address, and case number or state identification number of the entity or person for whom a waiver is requested.

b. A description and citation of the specific rule from which a waiver is requested.

c. The specific waiver requested, including the precise scope and operative period that the waiver will extend.

d. The relevant facts that the petitioner believes would justify a waiver with a signature from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

e. A history of the commission's action relative to the petitioner.

f. Any information regarding the commission's treatment of similar cases, if known.

g. The name, address, and telephone number of any person inside or outside state government who would be adversely affected by the granting of the petition or who otherwise possesses knowledge of the matter with respect to the waiver request.

h. Signed releases of information authorizing persons with knowledge regarding the request to furnish the commission with information pertaining to the waiver.

1.8(3) Petitions under this rule will comply with the form, filing, timing, and content requirements of the Iowa Administrative Procedure Act, Iowa Code chapter 17A.

1.8(4) The commission or commandant, as applicable, shall acknowledge a petition upon receipt. The petitioner shall serve notice on all persons to whom notice is required by any provision of law and provide a written statement to the commission attesting that notice has been served.

1.8(5) Prior to issuing an order granting or denying a waiver request, the commission or commandant, as applicable, may request additional information from the petitioner relative to the application and surrounding circumstances.

1.8(6) An order granting or denying a request for waiver will be in writing and contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which that action is based, and a description of the precise scope

and operative period of the waiver if one is issued. A waiver shall be granted or denied for all or a portion of a rule as soon as practicable but, in any event, within 120 days of its receipt unless the petitioner agrees to a later date. However, if a waiver petition has been filed in a contested case proceeding, the agency shall grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the commission or commandant, as applicable, to grant or deny such a petition within the required time period constitutes a denial of that petition.

1.8(7) Within seven days of its issuance, any order issued under the uniform waiver rule shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

1.8(8) Subject to the provisions of Iowa Code section 17A.3(1)*"a,"* the commission and commandant, as applicable, shall maintain a record of all orders granting and denying requests for waivers under this uniform waiver rule. The records shall be indexed by rule and available for public inspection.

1.8(9) Within 60 days of granting or denying a waiver, the commission or commandant, as applicable, shall make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, a general summary of the reasons justifying the commission's actions on the waiver requests and, to the extent practicable, detailing the extent to which the granting of a waiver has affected the general applicability of the rule itself and established a precedent for additional waivers.

1.8(10) The provisions of rules 801—1.7(17A,35D) and 801—1.8(17A,35D) do not apply to rules that define the meaning of a statute or other provisions of law or precedent if the commission does not possess delegated authority to bind the courts to any extent with its definition and do not authorize the commission to waive any requirement created or duty imposed by statute.

1.8(11) After the commission issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is invoked.

These rules are intended to implement Iowa Code sections 17A.4 and 17A.9A and chapter 35D and Executive Order 11.

FINAL AGENCY ACTION

801—1.9(17A,35,35A) Final agency action. Except as otherwise provided by law or by rule, and to the extent consistent with due process, any decision of the commission or the department affecting the rights, privileges, or entitlements of any person as provided in 801—Chapters 1 through 17 constitutes final agency action. Any person aggrieved by such final agency action may pursue judicial review pursuant to Iowa Code section 17A.19.

These rules are intended to implement Iowa Code chapters 35 and 35A and sections 35B.6, 35B.11, 35D.1, and 35D.17.