

Dear Senators DARRINGTON, Richardson & Burkett, and
Representatives CLARK, Leon Smith & Boe:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Division of Veterans Services:

IDAPA 21.01.04 - Rules Governing the Idaho State Veterans

Cemetery (Docket #21-0104-0801) - Fee Rule.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice
to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis
from Legislative Services. The final date to call a meeting on the enclosed rules is no later than
6-30-08. If a meeting is called, the subcommittee must hold the meeting within forty-two (42)
days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting
on the enclosed rules is 7-29-08.

_____The germane joint subcommittee may request a statement of economic impact with
respect to a proposed rule by notifying Research and Legislation. There is no time limit on
requesting this statement, and it may be requested whether or not a meeting on the proposed rule
is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Judiciary and Rules Committee and the House Judiciary, Rules & Administration Committee

FROM: Research & Legislation Staff - Katharine Gerrity

DATE: June 10, 2008

SUBJECT: Division of Veterans Services

IDAPA 21.01.04 - Rules Governing The Idaho State Veterans Cemetery

(Docket #21-0104-0801)

The Division of Veterans Services submits notice of proposed rule at IDAPA 21.01.04 - Rules Governing The Idaho Veterans Cemetery. According to the Division, the proposed changes will clarify fees for interment, disinterment, and reinterment as the amount of reimbursement paid by the United States Department of Veterans Affairs. The Division notes that the changes will maintain the ability of applicants to determine the fee quickly while allowing the Division to recoup the full amount of federal funds available for its services. We contacted the Division about one specific aspect of the fee change that does not include language relating to reimbursement from Veterans Affairs. That fee is reflected in IDAPA 21.01.04.024.01.b and specifically applies to an additional fee for preparation of an interment site not containing a pre-placed crypt. The fee is being increased from \$300 to \$500. This fee is not covered by Veterans Affairs and essentially represents the cost to the Division of purchasing a vault. The change to the rule reflects the increase in the cost of vaults. The Division also noted that if the family purchases their own vault there is no additional charge. We have no other specific comments relating to this proposed rule.

The rule appears to be authorized by Section 65-202, Idaho Code.

cc: Division of Veterans Services

David E. Brasuell & Jim Adams

IDAPA 21 - DIVISION OF VETERANS SERVICES

21.01.04 - RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY

DOCKET NO. 21-0104-0801 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 65-202, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Defining the fees for interment, disinterment, and reinterment as the amount of reimbursement paid by the United States Department of Veterans Affairs maintains the ability of applicants to determine the fee quickly while allowing the Division to recoup the full amount of federal funds available for its services. The rule changes clarify the fees for interment, disinterment, and reinterment as the amount of reimbursement paid by the United States Department of Veterans Affairs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for interment, disinterment, and reinterment are the amount of reimbursement paid by the United States Department of Veterans Affairs. The Division will receive additional funds to cover the costs of interment, disinterment, and reinterment.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

This rule change will not negatively impact the state general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of defining fees as the federal reimbursement for the services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jim Adams, Administrative Support Manager, (208) 246-8770.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2008.

DATED this 28th day of May, 2008.

David E. Brasuell, Administrator
Division of Veterans Services
320 Collins Road
Boise, ID 83702
Phone: (208) 334-351
Fax (208) 334-2627

THE FOLLOWING IS THE TEXT OF DOCKET NO. 21-0104-0801

024. FEES FOR INTERMENT, DISINTERMENT, AND REINTERMENT.

The Administrator shall charge the following fees: (3-16-04)

01. Interment. (3-30-06)

a. The Administrator shall charge a fee ~~of three hundred dollars (\$300)~~ equal to the then current USDVA reimbursement for opening and closing an interment site containing a pre-placed crypt. The Administrator shall accept, as full payment the amount of reimbursement by the USDVA to the Division for opening and closing an interment site containing a pre-placed crypt for a qualified veteran. ~~(3-30-06)~~(____)

b. In addition to the fee charged under Paragraph 024, 01.a. of this rule, the Administrator shall charge a fee of ~~three~~ five hundred dollars (\$~~3~~500) for preparation of an interment site not containing a pre-placed crypt. ~~(3-30-06)~~(____)

02. Disinterment. The Administrator shall charge a fee ~~of three hundred dollars (\$300)~~ equal to the then current USDVA reimbursement for opening and closing an interment site. The expenses of removal, transportation and reinterment of remains, and the expenses of removal, transportation and reinstallation of the grave marker, if any, shall be paid by the applicant for disinterment. ~~(3-16-04)~~(____)

03. Reinterment. The Administrator shall charge a fee ~~of three hundred dollars (\$300)~~ equal to the then current USDVA reimbursement for opening and closing an interment site for reinterment. The expenses of reinterment of remains and reinstallation of the grave marker, if any, shall be paid by the applicant for reinterment. ~~(3-16-04)~~(____)