

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 #21-0104-0802).

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 9-9-08. 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 10-7-08.

\_\_\_\_\_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: Katharine Gerrity, Principal Legislative Research Analyst

DATE: August 19, 2008

SUBJECT: Division of Veterans Services

IDAPA 21.01.04 - Rules Governing The Idaho State Veterans Cemetery  
(Docket #21-0104-0802)

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 public has assembled on the upper level of the cemetery by the flag pole to watch fireworks displays throughout the valley, bringing with them beverage coolers, blankets, BBQ equipment, etc., for the purpose of having an outing prior to the evening fireworks. The Division notes that the cemetery is not an appropriate place for such activity and the rule change is necessary to provide that the cemetery will be closed at 6 p.m. when fireworks displays are planned on the order of the Division Administrator.

We have no specific comments relating to this 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. 21-0104-0802

#### 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 September 17, 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:

The public has assembled on the upper level of the cemetery by the flag pole to watch fireworks displays throughout the valley, bringing with them beverage coolers, blankets, BBQ equipment, etc., and having an outing prior to the evening fireworks. Although a very advantageous spot to watch the fireworks, the cemetery is not an appropriate place for such activity. The rule change is necessary to provide that the cemetery will be closed at 6 p.m. when fireworks displays are planned on the order of the Division Administrator.

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

**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: None.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the rulemaking.

**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 September 24, 2008.

DATED this 16th day of July, 2008.

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

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#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 21-0104-0802

#### 030. CEMETERY USE.

**01. Public Use.** The cemetery will be open to public access from 8 a.m. to sunset daily. The Administrator may close the cemetery at 6 p.m. when a public fireworks display is planned. (5-3-03)( )

**02. Interment Schedule.** Cemetery staff will schedule interments to ensure that cemetery staff completes their duties between the hours of 8 a.m. and 5 p.m. Cemetery staff will not schedule interments on Saturdays, Sundays and legal holidays without the prior approval of the Administrator. (5-3-03)