

Dear Senators LODGE, Vick, Bock, and  
Representatives HARTGEN, Anderson, King:

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

IDAPA 21.01.02 - Rules Governing Emergency Relief for Veterans (Docket No. 21-0102-1301);

IDAPA 21.01.08 - Rules Governing Veterans Recognition Fund Grant Program (New Chapter)  
(Docket No. 21-0108-1301).

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 10/08/2013. 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 11/05/2013.

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 334-4845, or send a written request to the address on the  
memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Judiciary & Rules Committee and the House Commerce & Human Resources Committee

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** September 19, 2013

**SUBJECT:** Division of Veterans Services

IDAPA 21.01.02 - Rules Governing Emergency Relief for Veterans (Docket No. 21-0102-1301)

IDAPA 21.01.08 - Rules Governing Veterans Recognition Fund Grant Program (New Chapter) (Docket No. 21-0108-1301)

### **1. IDAPA 21.01.02 - Rules Governing Emergency Relief for Veterans**

The Division of Veterans Services submits notice of proposed rule at IDAPA 21.01.02 - Rules Governing Emergency Relief for Veterans. According to the division, the purpose of the rulemaking is to allow Native American Tribal Veterans Representatives to obtain funding from the Division of Veterans Services for reimbursement of travel expenses for one regional training conference each year in support of the statewide service officer program, in the same manner that other county and service organization veterans service officers are afforded. The division states that the rule would include Native American Tribes as an eligible organization which may send veterans service officers and representatives to training sessions administered by the division and apply for reimbursement of travel expenses for one participant to attend one training conference per year. Reimbursement would not be provided if travel expenses were reimbursed by other sources.

The division states that the anticipated cost to the general fund is estimated at \$2,500 annually. The division goes on to note that the change will have a positive impact to veterans by affording Tribal Veterans Representatives with increased opportunities for training about how to assist veterans in properly completing their claims and applications for federal veterans' benefits.

The division states that negotiated rulemaking was not conducted due to the simple nature of the rulemaking. The rule appears to be authorized pursuant to Sections 65-202 and 65-204, Idaho Code.

### **2. IDAPA 21.01.08 - Rules Governing Veterans Recognition Fund Grant Program**

The Division of Veterans Services submits notice of proposed rule at IDAPA 21.01.08 - Rules Governing Veterans Recognition Fund Grant Program. This is a new chapter. According to the division, the purpose of

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the rulemaking is to provide basic administrative procedures for the award of funds from the Idaho Veterans Recognition Fund established by Chapter 7, Title 65, Idaho Code. The division states that this rule provides procedures for the application, review and award of grant moneys for programs to support veterans.

The division states that no general funds will be allocated to the program. Grant funds will be obtained from investment of moneys appropriated from excess earnings from funds maintained by the division.

The division states that negotiated rulemaking was not conducted due to the simple nature of the rulemaking. The rule appears to be authorized pursuant to Sections 65-202 and 65-204, Idaho Code.

cc: Division of Veterans Services  
Tamara Mackenthun, Deputy Administrator

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**

**DOCKET NO. 21-0102-1301**

#### **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 Sections 65-202 and 65-204, 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 October 16, 2013.

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:

Idaho veterans who may be associated with a Tribe should be afforded the same opportunity to receive information about and take advantage of earned veterans' benefits administered by the U.S. Department of Veterans Affairs. This is most effectively accomplished by receiving information and guidance from recognized veterans service organizations. Tribal Veterans Representatives are recognized as such and currently do not have the same opportunity that county and service organization Veterans Service Officers are currently afforded to attend training provided by the Division with travel reimbursement. This rule change will allow Native American Tribal Veterans Representatives to obtain funding from the Division of Veterans Services for reimbursement of travel expenses for one (1) regional training conference each year in support of the statewide service officer program, in the same manner that other county and service organization veterans service officers are afforded. This proposed rule would include Native American Tribes as an eligible organization which may send veterans service officers and representatives to training sessions administered by the Division and apply for reimbursement of travel expenses for one (1) participant to attend one (1) training conference per year. Reimbursement would not be provided if travel expenses were reimbursed by other sources.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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 result in an anticipated cost of \$2,500 annually in General Funds. It will also have a positive impact to veterans by affording Tribal Veterans Representatives with increased opportunities for training about how to assist veterans in properly completing their claims and applications for federal veterans' benefits. This will increase the likelihood of the success of such veterans' claims, which will increase the amount of money provided to Idaho in federal veterans' benefits.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes are simple in nature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tamara Mackenthun, Deputy Administrator, (208) 577-2313.

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 October 23, 2013.

DATED this 21st day of August 2013.

Tamara Mackenthun, Deputy Administrator  
Division of Veterans Services  
351 Collins Rd.  
P. O. Box 83720  
Boise, ID 83720-0092  
Phone: (208) 577-2313  
Fax: (208) 577-2311

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 21-0102-1301**

**027. VETERANS SERVICE OFFICER SUPPORT.**

Veterans service officers, whether of the counties or the recognized veterans service organizations, must have a current knowledge and understanding of United States Department of Veterans Affairs programs to adequately serve the citizens of the state in the recovery of earned veterans benefits. (3-30-01)

**01. Training.** The Division of Veterans Services will conduct a minimum of one (1) regional training conference each year in support of the statewide service officer program. (5-3-03)

**02. Reimbursement.** Eligible counties, ~~and~~ service organizations, and Native American Tribes sending service officers to scheduled training sessions may apply to the Division of Veterans Services for reimbursement of travel expenses for one (1) participant. Payment will not be provided for expenses reimbursed by other sources and shall be limited to one (1) regional training conference per year. ~~(3-30-01)~~( )

**03. Rate of Reimbursement.** Reimbursement of travel expenses shall be for mileage and meals and at the same rate as established by the State Board of Examiners. (3-30-01)

**04. Requests for Reimbursement.** All requests for reimbursement must be submitted from an official county service officer or from an administrative officer of a congressionally chartered veterans service organization. Requests for reimbursement shall be submitted in a format as prescribed by the Division of Veterans Services. Requests must be submitted within thirty (30) days after the conclusion of a training conference. All reimbursements are subject to the availability of funds. (5-3-03)

**05. Validation.** Request for reimbursement shall be validated by cross-referencing attendance lists from service officer training conferences. (3-30-01)

## IDAPA 21 - DIVISION OF VETERANS SERVICES

### 21.01.08 - RULES GOVERNING VETERANS RECOGNITION FUND GRANT PROGRAM

#### DOCKET NO. 21-0108-1301 (NEW CHAPTER)

#### 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 Sections 65-202 and 65-204, 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 October 16, 2013.

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:

These rules are needed to provide basic administrative procedures for the award of funds from the Idaho Veterans Recognition Fund established by Idaho Code, Title 65, Chapter 7, Idaho Veterans Recognition Act. This is a new chapter of rules which provides procedures for the application, review and award of grant moneys for programs to support veterans.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**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:

Grant funds will be obtained from investment of moneys appropriated from excess earnings from funds maintained by the Division of Veterans Services. No General Funds will be allocated to this program.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes are simple in nature.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tamara Mackenthun, Deputy Administrator, (208) 577-2313.

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 October 23, 2013.

DATED this 21st day of August 2013.

Tamara Mackenthun, Deputy Administrator  
Division of Veterans Services  
351 Collins Rd.  
P. O. Box 83720  
Boise, ID 83720-0092  
Phone: (208) 577-2313  
Fax: (208) 577-2311

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 21-0108-1301**

**IDAPA 21**  
**TITLE 01**  
**CHAPTER 08**

**21.01.08 - RULES GOVERNING VETERANS RECOGNITION FUND GRANT PROGRAM**

**000. LEGAL AUTHORITY.**

Section 65-204, Idaho Code, authorizes the Administrator of the Division of Veterans Services to promulgate rules with respect to all matters of administration under Title 65, Chapter 2, Idaho Code, including the disbursement of funds held under Section 65-704, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 21.01.08, "Rules Governing Veterans Recognition Fund Grant Program." ( )

**02. Scope.** These rules establish a grant application and award process, set forth the programs and projects eligible for grants, and provide for the disbursement of funds. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. ( )

**003. ADMINISTRATIVE APPEALS.**

The award of funding under the Program is a discretionary action to be performed by the Idaho Governor and Legislature with recommendations from the Idaho Veterans Recognition Committee. There is no provision for administrative appeal under these rules. ( )

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS -- TELEPHONE AND FACSIMILE NUMBERS -- WEBSITE ADDRESS.**

The principal place of business of the Office of the Idaho Division of Veterans Services is in Boise, Idaho. The office is located at 351 Collins Road, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is 351 Collins Road, Boise, Idaho 83702. The telephone number of the office is (208) 577-2310. The facsimile number of the office is (208) 577-2311. The Division's website address is <http://veterans.idaho.gov/>. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The records associated with this chapter are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Administrator.** The Administrator and chief officer of the Division of Veterans Services in the Department of Self Governing Agencies, or his designee. ( )

**02. Applicant.** An individual or organization who has submitted a written request for grant funds. ( )

**03. Committee.** The Idaho Veterans Recognition Committee, established by Section 65-705, Idaho Code. ( )

**04. Division.** The Division of Veterans Services in the Department of Self Governing Agencies. ( )

**05. Program.** The Veterans Recognition Fund Grant Program established by Title 65, Chapter 7, Idaho Code, and these rules. ( )

**011. -- 099. (RESERVED)**

**100. POLICY AND OBJECTIVE.**

The objective of the Program is to fund programs to support Idaho veterans of the armed forces of the United States. The policy of the Division is to fund programs operated both within and outside state and local government. The Division will refer applicants for grants to support the needs of individuals to the Veterans Services Emergency Relief Program. ( )

**101. ELIGIBLE APPLICANTS.**

Individuals, organizations, and governmental entities, including bureaus of the Division, may submit applications for funding from the Program. ( )

**102. GRANT PURPOSES AND PRIORITIES.**

**01. Eligible Activities and Costs.** Any purpose meeting the objective of supporting veterans of the armed forces of the United States and not excluded in Subsection 102.02 of these rules is eligible to receive a grant under the Program. Eligible activities and costs include: ( )

**a.** Programs to inform veterans and the public of services and programs for veterans, including programs offered by the Division; ( )

**b.** Programs providing career training to veterans, including programs providing educational scholarships; ( )

**c.** Programs providing training to individuals and organizations supporting veterans, including employees of public and private organizations assisting veterans with healthcare, education, and assistance in obtaining public benefits; ( )

**d.** The acquisition of equipment for programs supporting the health, rehabilitation, or recreational activities of veterans; and ( )

**e.** Programs providing social, health, rehabilitation, or recreational activities or care to veterans. ( )

**02. Ineligible Activities and Costs.** Grant funds shall not be used for political, lobbying, religious, or illegal activities. Ineligible lobbying activities do not include: ( )

**a.** Advocacy on behalf of individual Applicants for public benefits; and ( )

**b.** The provision of educational information to public officials concerning the needs of veterans that does not advocate for or support specific legislative proposals. ( )

**03. Funding Priorities.** The Committee will give priority to: ( )

**a.** Applicants with grant proposals that will serve the greatest number of veterans; ( )

**b.** Applicants with grant proposals for which there is no other source of funding; and ( )

**c.** Applicants with grant proposals for start-up funds for programs that will become self-sustaining.



( )

**103. -- 199. (RESERVED)**

**200. APPLICATION, REVIEW, AND AWARD.**

**01. Application.** Applicants shall submit grant proposals in the format required by the Administrator and approved by the Committee. Copies of the application format requirements and the list of supporting information will be made available on the Division website or may be obtained by contacting the Administrator at the address set forth in Section 005 of these rules. ( )

**02. Review of Grant Proposals.** The Administrator or his designee shall review proposals for completeness and compliance with these rules and will make recommendations for awards to the Committee. ( )

**03. Grant Awards.** The Committee will evaluate grant proposals annually during a meeting to be held in conjunction with the April meeting of the Idaho Veterans Affairs Commission. The Committee shall provide its proposed award of funds to the Administrator, who shall include them in the annual Division budget request to the Governor. Funding approved during the budget process shall be paid to grant applicants by the Division after the beginning of the fiscal year for which it was budgeted. ( )

**04. Grant Conditions and Requirements.** The Committee may establish conditions or requirements for the expenditure of grant funds in a written agreement between the Committee, the Division, and the grant recipient. Conditions and requirements may include, but are not necessarily limited to: ( )

- a.** The provision of matching funds from the grant recipient; ( )
- b.** The repayment of all or a portion of the grant funds upon specified events; ( )
- c.** The issuance of grant funds on a cost reimbursement basis; ( )
- d.** The submission of status and final reports; ( )
- e.** A completion date for the project or program; ( )
- f.** Bidding requirements for the expenditure of grant funds; ( )
- g.** Acknowledgement of a Veterans Recognition Fund grant in public information campaigns or press releases; and ( )
- h.** A written accounting of the use of grant funds and copies of all receipts associated with the expenditure of grant funds. ( )

**201. COMPLIANCE WITH LAW AND CONFLICT OF INTEREST.**

All grant recipients shall comply with applicable law in the conduct of programs supported by a Program grant. Public entities and employees receiving or administering grant funds shall comply with all ethics, personnel, bidding, and accounting requirements generally applicable to the entity or individual. Unless specifically provided in the grant, no official or officer of a grant recipient, individual grant recipient, or family member of an official or officer of a grant recipient or family member of an individual grant recipient shall personally profit financially from a Program grant. ( )

**202. TERMINATION OF FUNDING.**

Grant funding may be terminated by the Committee at any time for use of grant funds or conduct in violation of these rules, the terms of the grant, or violation of any applicable law. Upon receipt of a written notice of termination, the grantee will immediately cease all expenditures of grant funds and return all unspent grant funds. The Committee may require a written accounting of the use of grant funds upon the termination of funding and may deny payment for costs claimed by the grant recipient and not substantiated by written documentation. ( )

**203. -- 999. (RESERVED)**