

TITLE 65

SERVICE MEMBERS -- VETERANS -- SPOUSES AND DEPENDENTS

CHAPTER 2

DIVISION OF VETERANS SERVICES -- VETERANS AFFAIRS COMMISSION

65-201. DIVISION OF VETERANS SERVICES -- CREATION OF COMMISSION -- APPOINTMENT OF MEMBERS -- DISCONTINUANCE OF COMMISSION -- RECEIPT OF PROPERTY. (1) There is hereby established in the department of self-governing agencies the division of veterans services. The division shall be headed by an administrator who shall be appointed by the governor from a nomination list of eligible candidates for administrator submitted by the veterans affairs commission. The administrator may be removed from office by the governor only with the consent of the veterans affairs commission.

(2) There is hereby created an advisory commission to be known as the Idaho veterans affairs commission to consist of five (5) persons, all of whom shall be appointed by the governor of the state of Idaho. Said appointees shall have had active service in any war or conflict officially engaged in by the government of the United States and have been honorably discharged from such service. No more than two (2) of said commission shall be residents of the same judicial district of the state of Idaho. Upon the expiration of a member's term, the subsequent appointment shall be made by the governor and shall be for a term of three (3) years. Such subsequent terms shall expire on the third Monday in January of the appropriate year. The governor shall have power to fill any and all vacancies occurring in said commission. The governor shall have the further full power to discontinue said commission by proclamation whenever the governor determines that the government of the United States, or the state of Idaho, shall have made adequate provision for the care and assistance of honorably discharged and destitute veterans of the armed forces.

(3) All rights, title and interest in property, real and personal, held by the department of health and welfare for use in exercising the powers and duties transferred to the division of veterans services by chapter 59, laws of 2000, are hereby transferred to and vested in the division of veterans services.

[(65-201) 1921, ch. 46, sec. 1, p. 73; I.C.A., sec. 63-201; am. 1957, ch. 132, sec. 1, p. 222; am. 1969, ch. 37, sec. 1, p. 91; am. 1974, ch. 23, sec. 174, p. 633; am. 1985, ch. 186, sec. 1, p. 482; am. 1990, ch. 56, sec. 3, p. 130; am. 2000, ch. 59, sec. 2, p. 126; am. 2006, ch. 33, sec. 1, p. 97.]

65-202. POWERS AND DUTIES. The administrator of the division of veterans services shall have full power and authority on behalf of the state of Idaho, in recognition of the services rendered by veterans of the armed forces of the United States, to:

(1) Oversee the management and operation of the veterans homes in the state and state veterans cemeteries and provide care to veterans of the armed forces of the United States under such rules as the administrator may, from time to time, adopt.

(2) Extend financial relief and assistance to destitute veterans and to those dependent upon such destitute veterans as the commission shall determine to be reasonably required under such rules as the administrator may, from time to time, adopt.

(3) Collect benefits paid by the United States department of veterans affairs for burial and plot allowance for persons interred at a state veterans cemetery.

(4) Prescribe, with the approval of the commission, the qualifications of all personnel in accordance with the Idaho personnel system law. The administrators in charge of state veterans homes, the office of veterans advocacy and state veterans cemeteries shall be considered nonclassified exempt employees pursuant to the provisions of [chapter 53, title 67](#), Idaho Code, and shall serve at the pleasure of the administrator of the division of veterans services.

(5) Accept gifts, grants, contributions and bequests of funds, and personal property to the state of Idaho for the benefit of veterans of the armed forces of the United States.

(6) Enter into contracts, within the limit of funds available therefor, acquire services and personal property, and do and perform any acts that may be necessary in the administration of services to veterans of the armed forces of the United States.

(7) Administer, with the advice and approval of the commission, moneys in the veterans cemetery maintenance fund established in section [65-107](#), Idaho Code.

(8) Establish by rule charges related to interment, disinterment and reinterment in a state veterans cemetery and the administrator is hereby directed to cause such charges to be deposited in the veterans cemetery maintenance fund established in section [65-107](#), Idaho Code.

(9) In his discretion, assume control of the cremated remains of deceased persons qualified for interment in a state veterans cemetery, apply for burial and plot allowance benefits paid by the United States department of veterans affairs for such deceased persons and inter in a state veterans cemetery the cremated remains of deceased persons qualified for interment in a state veterans cemetery.

(10) Administer programs offered by the United States department of veterans affairs for the certification and supervision of educational and training opportunities for veterans.

[(65-202) 1921, ch. 46, sec. 1, p. 73; I.C.A., sec. 63-202; am. 1943, ch. 20, sec. 1, p. 47; am. 1957, ch. 132, sec. 2, p. 222; am. 1969, ch. 37, sec. 2, p. 92; am. 1974, ch. 23, sec. 174, p. 633; am. 1990, ch. 56, sec. 4, p. 130; am. 2000, ch. 59, sec. 3, p. 127; am. 2001, ch. 198, sec. 1, p. 676; am. 2001, ch. 199, sec. 2, p. 679; am. 2002, ch. 49, sec. 3, p. 111; am. 2002, ch. 54, sec. 1, p. 122; am. 2003, ch. 42, sec. 2, p. 164; am. 2003, ch. 53, sec. 2, p. 195; am. 2004, ch. 318, sec. 13, p. 901; am. 2005, ch. 337, sec. 2, p. 1055; am. 2007, ch. 16, sec. 1, p. 27; am. 2009, ch. 10, sec. 1, p. 12; am. 2018, ch. 66, sec. 3, p. 158; am. 2019, ch. 154, sec. 1, p. 507.]

65-203. "VETERAN" DEFINED. (1) The term "veteran," as used in this chapter, shall include any person who is a bona fide resident of the state of Idaho, who served on active duty in the United States military, naval, or air service and was discharged or separated under honorable conditions after ninety (90) days of continuous active duty, or was separated or discharged from military service earlier than ninety (90) days under honorable conditions because of a service-connected disability.

(2) The term "wartime veteran," as used in this chapter, shall include any person who is a bona fide resident of the state of Idaho who served on ac-

tive duty in the United States armed forces at some time during any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title 38, U.S. code, chapter 1, section 101(11), who was separated or discharged under honorable conditions after ninety (90) days of continuous active duty or was separated or discharged from military service earlier under honorable conditions because of a service-connected disability.

[(65-203) 1921, ch. 46, sec. 3, p. 73; I.C.A., sec. 63-203; am. 1935, ch. 130, sec. 1, p. 305; am. 1943, ch. 20, sec. 2, p. 47; am. 1949, ch. 28, sec. 1, p. 47; am. 1957, ch. 132, sec. 3, p. 222; am. 1969, ch. 37, sec. 3, p. 91; am. 1976, ch. 216, sec. 1, p. 787; am. 1991, ch. 219, sec. 3, p. 524; am. 1992, ch. 53, sec. 1, p. 157; am. 2001, ch. 198, sec. 2, p. 677.]

65-204. RULES -- EMPLOYMENT OF ASSISTANTS. The commission shall advise the administrator of the division of veterans services in the adoption of rules with respect to all matters of administration hereunder, including the establishment of standards and criteria for interment at a state veterans cemetery, and to carry into effect the purposes of this chapter and employ such assistants as it may deem advisable. The commission is authorized to name the administrator of the division of veterans services as executive secretary.

[(65-204) 1921, ch. 46, sec. 4, p. 73; I.C.A., sec. 63-204; am. 1957, ch. 132, sec. 4, p. 222; am. 1974, ch. 23, sec. 176, p. 633; am. 1990, ch. 56, sec. 5, p. 131; am. 2000, ch. 59, sec. 4, p. 128; am. 2001, ch. 199, sec. 3, p. 679; am. 2018, ch. 66, sec. 4, p. 159.]

65-206. COMPENSATION AND TRAVELING EXPENSES OF COMMISSIONERS. The members of said commission shall be compensated as provided by section [59-509](#)(h), Idaho Code.

[(65-206) 1921, ch. 46, sec. 7, p. 73; I.C.A., sec. 63-206; am. 1957, ch. 132, sec. 5, p. 222; am. 1976, ch. 182, sec. 1, p. 656; am. 1980, ch. 247, sec. 80, p. 647; am. 1991, ch. 150, sec. 1, p. 360.]

65-207. CONSTRUCTION WITH OTHER LAWS -- SEPARABILITY. No act or portion of act in conflict with this chapter shall be construed as invalidating this chapter or any portion thereof. Should any portion of this chapter be declared unconstitutional, it shall not invalidate the other provisions thereof.

[(65-207) 1921, ch. 46, sec. 8, p. 73; I.C.A., sec. 63-207.]

65-209. VETERANS SUPPORT FUND. (1) There is hereby created in the state treasury the "Veterans Support Fund" to which shall be credited:

- (a) The moneys designated under section [63-3067A](#), Idaho Code, and the moneys designated under section [49-403B](#), Idaho Code;
- (b) Gifts, grants, contributions and bequests to the fund;
- (c) Interest earned on the investment of idle moneys in the fund, which shall be paid to the fund; and
- (d) All other moneys as may be provided by law.

(2) Moneys in the fund shall be used exclusively for the purposes of programs to support veterans and to defray the costs of administering gold

star license plate eligibility pursuant to section [49-403B](#), Idaho Code. Moneys in the fund shall be continuously appropriated for such purposes.

(3) Disbursements of moneys from the fund shall be made upon authorization of the administrator of the division of veterans services.

[65-209, added 2008, ch. 17, sec. 2, p. 24; am. 2009, ch. 213, sec. 2, p. 673; am. 2014, ch. 17, sec. 2, p. 25; am. 2019, ch. 116, sec. 6, p. 443.]

65-210. VETERANS HOME. (1) The division of veterans services is hereby authorized to establish and maintain a veterans home in northern Idaho at a location selected by the division administrator with the advice of the veterans affairs commission.

(2) The state shall provide thirty-five percent (35%) matching funds necessary to qualify for federal funding for:

(a) Construction of the veterans home authorized by this section; and

(b) Operation of the veterans home authorized by this section, which operation shall comply with applicable federal regulations, including 38 CFR 51, as well as the rules of the division of veterans services.

(3) The state's matching funds shall be provided from the veterans recognition fund established in section [65-702](#), Idaho Code, and shall not exceed the amount in such fund.

[65-210, added 2015, ch. 280, sec. 1, p. 1143.]