

IN THE SENATE

SENATE BILL NO. 1214

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO STATE VETERANS CEMETERIES; AMENDING SECTION 54-1144, IDAHO  
2 CODE, TO REVISE LANGUAGE REGARDING STATE VETERANS CEMETERIES; AMENDING  
3 SECTION 65-108, IDAHO CODE, TO REVISE LANGUAGE REGARDING STATE VETERANS  
4 CEMETERIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 65-202,  
5 IDAHO CODE, TO REVISE LANGUAGE REGARDING STATE VETERANS CEMETERIES; AND  
6 AMENDING SECTION 65-204, IDAHO CODE, TO REVISE LANGUAGE REGARDING STATE  
7 VETERANS CEMETERIES.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 54-1144, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 54-1144. UNCLAIMED REMAINS OF VETERANS. (1) The division of veterans  
13 services may assume control over the cremated remains of a deceased person  
14 if:

15 (a) The decedent's remains have not been disposed of pursuant to a pre-  
16 arranged funeral plan as set forth in section 54-1139, Idaho Code;

17 (b) The persons vested with the right to control the disposition of the  
18 remains of a deceased person pursuant to section 54-1142, Idaho Code,  
19 have not made final arrangements for the disposition of the remains  
20 within one (1) year following the deceased person's death or have not  
21 exercised control over those remains for a period of one (1) year; and

22 (c) The division of veterans services certifies that the deceased per-  
23 son is eligible for interment at ~~the~~ a state veterans cemetery as an  
24 armed forces member pursuant to the rules of the state veterans ceme-  
25 tery.

26 (2) An Idaho chapter of a nationally chartered veterans services organ-  
27 ization may assume control over the cremated remains of a deceased person if:

28 (a) The decedent's remains have not been disposed of pursuant to a pre-  
29 arranged funeral plan as set forth in section 54-1139, Idaho Code;

30 (b) The persons vested with the right to control the disposition of the  
31 remains of a deceased person pursuant to section 54-1142, Idaho Code,  
32 have not made final arrangements for the disposition of the remains  
33 within one (1) year following the deceased person's death or have not  
34 exercised control over those remains for a period of one (1) year; and

35 (c) The Idaho chapter of a nationally chartered veterans services or-  
36 ganization certifies that:

37 (i) The deceased person is an armed forces member as defined in  
38 the rules of ~~the~~ a state veterans cemetery;

39 (ii) The Idaho chapter of a nationally chartered veterans ser-  
40 vices organization shall be solely responsible for the costs of  
41 interment, including the application for and receipt of any avail-  
42 able governmental benefits.

1 (3) There shall be no liability of a funeral establishment, mortuary,  
 2 cemetery, crematory, or a related entity, a licensed mortician, or licensed  
 3 funeral director, or any employee or agent thereof who transfers the cre-  
 4 mated remains of a deceased person to the division of veterans services or an  
 5 Idaho chapter of a nationally chartered veterans services organization pur-  
 6 suant to the provisions of this section.

7 (4) There shall be no liability of the state of Idaho or any employee or  
 8 agent thereof related to the transfer of the cremated remains of a deceased  
 9 person to an Idaho chapter of a nationally chartered veterans services or-  
 10 ganization or the interment of such remains pursuant to the provisions of  
 11 this section.

12 SECTION 2. That Section 65-108, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 65-108. IDAHO STATE VETERANS CEMETERYIES. The operation, management  
 15 and control, maintenance and improvement of the lands and property belong-  
 16 ing to the state of Idaho or acquired by the state of Idaho, ~~7~~ for a state vet-  
 17 erans cemetery is hereby vested in the division of veterans services. Ti-  
 18 tle to real property belonging to the state of Idaho for a veterans cemetery  
 19 shall be vested in the state board of land commissioners. The state board  
 20 of land commissioners may purchase, receive by donation or in any manner ac-  
 21 quire real property on behalf of the state of Idaho for a veterans cemetery,  
 22 within the limit of funds available ~~therefore~~ therefor. ~~The A~~ state veterans  
 23 cemetery shall not be subject to local land use planning ordinances estab-  
 24 lished pursuant to chapter 65, title 67, Idaho Code.

25 SECTION 3. That Section 65-202, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 65-202. POWERS AND DUTIES. The administrator of the division of vet-  
 28 erans services shall have full power and authority on behalf of the state  
 29 of Idaho, in recognition of the services rendered by veterans of the armed  
 30 forces of the United States, to:

31 (1) Oversee the management and operation of the veterans homes in the  
 32 state and ~~the state veterans cemetery~~ies, ~~7~~ and provide care to veterans of the  
 33 armed forces of the United States under such rules as the administrator may,  
 34 from time to time, adopt.

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

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

42 (4) Prescribe, with the approval of the commission, the qualifications  
 43 of all personnel in accordance with the Idaho personnel system law. The ad-  
 44 ministrators in charge of state veterans homes, the office of veterans adv-  
 45 ocacy, ~~7~~ and ~~the state veterans cemetery~~ies, ~~7~~ shall be considered nonclassified  
 46 exempt employees pursuant to the provisions of chapter 53, title 67, Idaho

1 Code, and shall serve at the pleasure of the administrator of the division of  
2 veterans services.

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

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

10 (7) Administer, with the advice and approval of the commission, mon-  
11 eys in the veterans cemetery maintenance fund established in section 65-107,  
12 Idaho Code.

13 (8) Establish by rule charges related to interment, disinterment and  
14 reinterment in ~~the~~ a state veterans cemetery and the administrator is hereby  
15 directed to cause such charges to be deposited in the veterans cemetery main-  
16 tenance fund established in section 65-107, Idaho Code.

17 (9) In his discretion, assume control of the cremated remains of de-  
18 ceased persons qualified for interment in ~~the~~ a state veterans cemetery, ap-  
19 ply for burial and plot allowance benefits paid by the United States depart-  
20 ment of veterans affairs for such deceased persons and inter in ~~the~~ a state  
21 veterans cemetery the cremated remains of deceased persons qualified for in-  
22 terment in ~~the~~ a state veterans cemetery.

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

26 SECTION 4. That Section 65-204, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 65-204. RULES -- EMPLOYMENT OF ASSISTANTS. The commission shall ad-  
29 vise the administrator of the division of veterans services in the adoption  
30 of rules with respect to all matters of administration hereunder, including  
31 the establishment of standards and criteria for interment at ~~the~~ a state vet-  
32 erans cemetery, and to carry into effect the purposes of this chapter and em-  
33 ploy such assistants as it may deem advisable. The commission is authorized  
34 to name the administrator of the division of veterans services as executive  
35 secretary.