

**PROPOSED ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
ADOPTING RULES**

The Wisconsin Department of Veterans Affairs hereby proposes an order to amend VA 14.02 (1) (a) and (b), 14.02 (2) and to create 14.02 (1) (c), relating to the determination of interment fees and assessments at the state veterans cemeteries.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: ss. 45.35 (3) and 45.358 (3m), Stats.

Statute interpreted: ss. 45.358, Stats.

The proposed rule changes are intended to provide the department flexibility in updating the interment fees and burial container assessments for burial at the state veterans' cemeteries. The interment fees were previously set in 1996. Costs have increased. The proposed changes will enable the department to periodically reset the interment fees for a dependent child, spouse, or surviving spouse of an eligible veteran as well as the assessment made against a funeral director for the applicable burial chamber. Additionally, the proposal will enable the department to assess a disinterment fee for anyone buried in a state veterans' cemetery. Further, the reference to "unremarried" surviving spouse is replaced with surviving spouse to reflect the current statutory language. Finally, the proposal will permit the department to waive the interment fee for a spouse or surviving spouse who resides at a state veterans' home at the time of death under certain circumstances.

There is no current or pending federal regulation that has an impact on this issue. There are no similar rules in adjacent states. However, cemetery fees are set by some states outside of the rulemaking process. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

The department's contact person is John Rosinski, who may be contacted at (608) 266-7916, at john.rosinski@dva.state.wi.us or at the following address. Comments may be sent to the department at 30 W. Mifflin Street, Madison, WI 53707.

TEXT OF RULE

SECTION 1. VA 14.02 (1) (a) is amended to read:

VA 14.02 (1) (a) No fee may be assessed for the interment of a veteran, guard or reserve member ~~or a veteran's spouse or unremarried surviving spouse who resides at the Wisconsin veterans home at the time of death~~ in a veterans cemetery.

SECTION 2. VA 14.02 (1) (b) is amended to read:

VA 14.02 (1) (b) A fee ~~of \$250~~ may be assessed for the interment of a dependent child or a veteran's spouse or ~~unremarried~~ surviving spouse ~~who does not reside at the Wisconsin veterans home at the time of death~~ in a veterans cemetery. The fee shall not exceed the average cost of a casket burial, including the cost of opening and closing a grave site and setting a headstone, and administrative and equipment operation costs, as determined by the department based upon its costs. The department may periodically adjust the fee, upon 30 days notice, to reflect current costs. The department shall publish the notice and fee on its web site. The department may waive the fee for a veteran's spouse or surviving spouse who resides in a facility identified in s. 45.365 or 45.385, Stats., at the time of death, if the individual's estate is insufficient to pay the fee.

SECTION 3. VA 14.02 (1) (c) is created to read:

VA 14.02 (1) (c) A fee may be assessed for the disinterment of an individual currently interred in a veterans cemetery. The fee shall not exceed the average cost to the department of disinterring an individual. The department may periodically adjust the fee, upon 30 days notice, to reflect its current costs. The department shall publish the notice and fee on its web site.

SECTION 4. VA 14.02 (2) is amended to read:

VA 14.02 (2) ASSESSMENTS. The department may assess the funeral director involved in an interment the amount necessary to reimburse the department for the average cost of providing a columbarium niche or an in-ground container for the interment of cremains or of providing and installing an outer burial container, whichever is applicable. A funeral director may provide and install an outer burial container in lieu of paying that assessment. The

department may periodically adjust the assessment, upon 30 days notice, to reflect current costs. The department shall publish the notice and assessment on its web site.

The amendment of the rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, February 21, 2005.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

JOHN A. SCOCOS, SECRETARY