

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0519-03	REGULATORY ACTION NUMBER 2016-0413-02SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAY 23 2016
1:44 PM

2016 APR 13 P 2:12
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Department of Veterans Affairs

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2015, 22-2	PUBLICATION DATE 5/29/2015

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) State Veterans Cemeteries Monuments and Memorials	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2015-1106-03S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 462
AMEND
REPEAL
TITLE(S) 12

3. TYPE OF FILING	per agency request 5/20/2016		
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code §§11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
8/26/15 to 9/11/15; 9/30/15 to 10/15/15; 1/13/16 to 1/28/16; 3/15/16 to 3/31/16

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Angela Yamamoto	TELEPHONE NUMBER 916-651-3068	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) angela.yamamoto@calvet.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Vito Imbasciani MD</i>	DATE 12 April 2016
TYPED NAME AND TITLE OF SIGNATORY Vito Imbasciani, MD (Secretary)	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
MAY 23 2016
Office of Administrative Law

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
1227 O STREET, ROOM 105
SACRAMENTO, CA 95814**

**TITLE 12. MILITARY AND VETERANS AFFAIRS
DIVISION 2. DEPARTMENT OF VETERANS' AFFAIRS
CHAPTER 3. VETERANS' SERVICES
SUBCHAPTER 5. STATE VETERANS CEMETERY**

Adopt Section 462 as follows:

12 CCR § 462. Monuments and Memorials

(a) All proposals for the construction, placement, or donation of monuments and memorials to state veterans cemeteries shall be subject to the approval of the Secretary of CalVet or his or her designee.

- 1. For purposes of state veterans cemeteries the term 'monument or memorial' is defined as any item that will be placed on state veteran cemetery grounds, including any statue, sculpture, memorial plaque, structure, or landscape feature, typically designed to perpetuate in a permanent manner the memory of a group, event, a war, or similar major military conflict, a branch or major unit of the U.S. Armed Forces, or other significant element of American military history.*

(b) The department shall establish an Advisory Committee for each state veterans cemetery with the purpose to review proposals for the construction, placement, or donation of monuments and memorials at the cemetery.

- 1. The Committee shall follow statutory requirements set forth in State of California Military and Veterans Code and shall be guided in their recommendations by the U.S. Department of Veterans Affairs National Cemetery Administration (NCA) Requirements for Review and Acceptance of Memorials in National Cemeteries dated December 2007, and NCA Facilities Design Guide, dated June 1999, both of which are hereby incorporated by reference.*
- 2. The community member Co-Chairperson shall be appointed by the Cemetery Administrator.*
- 3. Meetings shall be scheduled by the Co-Chairperson or the Cemetery Administrator within 90 days after a complete proposal is received by the Cemetery Administrator. Proposals may be delivered in person or mailed to the Cemetery Administrator.*
- 4. Meetings will be conducted at a location agreed upon by both the Committee and CalVet Co-Chairs. All meetings shall be conducted in accordance with the Bagley-Keene Open Meetings Act, California Government Code Section 11120-11132.*

5. *The CalVet Advisory Committee Operating Guidelines for State Veterans Cemeteries, dated September 2015, which is hereby incorporated by reference, shall establish the structure and operational responsibilities of all members.*

(c) Proposals that are incomplete shall not be considered for a meeting until they are complete. Upon receiving an incomplete application, the Co-Chairperson or Cemetery Administrator shall advise the applicant of the missing information within 30 days of receipt of the incomplete proposal. Proposals submitted to the Committee and department for review shall include the following elements.

1. *Name and contact information of the donor, individual, or organization.*
2. *A complete detailed description of the monument or memorial donation proposed. Monuments and memorials approved by the Committee shall provide an appropriate symbolic and historical representation of the armed forces and the service and sacrifice veterans provide to our country.*
3. *A conceptual monument or memorial design in accordance with NCA Requirements for Review and Acceptance of Memorials in National Cemeteries dated December 2007, NCA Facilities Design Guide, dated June 1999, and the Americans with Disabilities Act.*
4. *A signed acceptance of all financial responsibility for the proposed monument or memorial by the donor. The source of funds shall be identified such as public, private, individual, or institution, etc.*
5. *Other requested requirements specific to the structure.*

(d) The Committee, after completing their full review of the proposed monument or memorial, shall submit their approval to the Cemetery Administrator to submit to the department. Approval of a donated monument or memorial by the department shall follow the procedures described in this section.

1. *The proposal for a monument or memorial shall then be reviewed by the department's capital outlay unit. A recommendation may be to approve the proposal in full, approve with changes, or decline. If changes are required, the donor has 30 days to agree to the changes, or the application shall be declined. When an application is declined, then the Cemetery Administrator shall advise the applicant of the denial and the reason for the denial in writing. When a proposed monument or memorial is approved in concept by the department, the Cemetery Administrator shall mail the donor a letter of conditional approval. The donor may then move forward to completing a design package to include working drawings of the monument or memorial.*
2. *The donor shall then develop a complete design package to include working drawings and specifications in accordance with all State of California building codes. If applicable, the design package shall include assurance that the monument or memorial is structurally sound by including an engineered set of plans and structural calculations for lateral and vertical loads signed and sealed by a State of California licensed civil or structural engineer. A complete project schedule, from start to completion, for the proposed monument or memorial. As applicable, the donor shall include appropriate regulatory agency reviews and approvals. Those reviews may consist of but are not limited to a licensed architect, licensed civil or structural engineer, State Fire Marshal,*

Division of the State Architect review for access compliance, and/or Office of Historic Preservation for historical review. All review costs shall be the responsibility of the donor.

- 3. The completed design package of a proposed monument or memorial shall then be reviewed by the department's capital outlay unit, to include all relevant elements in 462(c). Feedback on the design package is to be provided within an additional period of 30 days. A recommendation may be to approve with changes, decline, or approve the design in full. If changes are required, the donor has 30 days to agree to the changes, or the application shall be declined. When an application is declined, then the Cemetery Administrator shall advise the applicant of the denial and the reason for the denial in writing. When a design is approved by the department's capital outlay unit, the proposal shall be forwarded to the Deputy Secretary for the Veteran Services Division for approval. If approved, the proposal will be sent to the Department Secretary or his or her designee for final approval. When the Department Secretary or his or her designee approves the design package, the department will submit a Right of Entry Permit request with the Department of General Services on behalf of the donor. Upon approval of the Right of Entry Permit, the donor may begin construction of the monument or memorial.*
- 4. In addition to the construction requirements listed in the NCA Requirements for Review and Acceptance of Memorials in National Cemeteries, dated December 2007, and the NCA Facilities Design Guide, dated June 1999, inspection of the construction of the monument or memorial may be required by a Department of General Services construction inspector. In addition, special inspections may be required for certain constructions such as welding and concrete mix design. All inspection costs shall be the responsibility of the donor.*

(e) A progress report of approved monument or memorial projects shall be provided by the donor to the Cemetery Administrator for each proposed monument or memorial, no less than annually, when the design changes, or as otherwise requested by the department. The progress report shall contain current budget status, and any proposed design changes or anticipated changes to the proposed schedule.

(f) Final inspection and approval of a monument or memorial project shall be conducted by the department's capital outlay unit to ensure adherence to the approved design package. It shall be understood that once a monument or memorial has been constructed and placed in the cemetery, the monument or memorial becomes property of the State of California.

(g) The department shall designate a monument and memorial section at each State Veterans Cemetery. All donated monuments and memorials shall be located within this memorial section(s) of the cemetery. The Cemetery Administrator shall manage the memorial section and assign locations based on availability within the memorial section of the cemetery. The monument and memorial section shall have predetermined plots of adequate size to accommodate future proposed monuments and memorials. The size of these monuments and memorials shall be in alignment with current National Cemetery Administration Facilities Design Guide as well as National Cemetery Administration Guidelines and Requirements for Review and Acceptance of Memorials in National Cemeteries.

Note: Authority cited: Military and Veterans Code: Sections 1402, 1456, 1414. References: Military and Veterans Code: Sections 1402, 1456, 1414.