

CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
VETERANS SERVICES DIVISION
POST OFFICE BOX 942895
SACRAMENTO, CALIFORNIA 94295-0001
Telephone: (916) 653-2158



NOTICE OF PROPOSED RULEMAKING

TITLE 12, MILITARY AND VETERANS CODE, STATE OF CALIFORNIA DIVISION 2. VETERANS BUILDINGS, MEMORIALS, AND CEMETERIES CHAPTER 3. SUBCHAPTER 5. STATE VETERANS CEMETERY SECTIONS 461, 463, AND 464

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CalVet) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

NOTICE IS ALSO GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

California Department of Veterans Affairs
Northern California Veterans Cemetery
Attention: Mark George
11800 Gas Point Road
Igo, CA 96047, (530) 396-2429

Comments may also be submitted by facsimile (530) 396-2523 or by e-mail to mark.george@calvet.ca.gov. The written comment period closes at 5:00 p.m. on October 19, 2015. CalVet will only consider comments received at CalVet offices by that time.

AUTHORITY AND REFERENCE

The authority of this regulation is found in Military and Veterans Code 1455(a) and 1455(d) and reference Military and Veterans Code Sections 1400, 1410, and 1455. The proposed adoption removes unnecessary language, implements a standardized interment fee for veterans' spouses and eligible dependents at current and future State Veterans Cemeteries, provides for the perpetual maintenance of these gravesites by increasing the fee established for their interment,

HONORING CALIFORNIA'S VETERANS

and implements a policy and fee required for disinterment of a decedent from a State Veterans Cemetery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific objective of this regulation is to remove language that is unnecessary and add required documentation for eligibility. This regulation will create a common spouse and dependent burial fee for all current and future State Veterans Cemeteries which will provide for the ongoing perpetual maintenance of the cemeteries until such time as the cemeteries are deemed “closed”. This regulation will also create a fee for the work required for the disinterment of a decedent from a State Veterans Cemetery.

Current California Military and Veterans Code Section 1455(a) states that the California Department of Veterans Affairs shall adopt regulations to specify the appropriate fees to be charged for interment or burial of spouses and dependent children of honorably discharged veterans, and appropriate fees for the disinterment of remains. At this time the burial fee is not concurrent with the federal reimbursement rate for veterans’ burials and there is not established fee for the California Central Coast Veterans Cemetery (opening July 2016). There are no fees currently for disinterment.

This regulation will allow CalVet to standardize the spouse and dependent burial fee for all State Veterans Cemeteries. The proposed regulation will establish the guidelines for the burial fees to be concurrent with the U.S. Department of Veterans Affairs veteran reimbursement rate including a cost of living adjustment (COLA) which is established at the beginning of each federal fiscal year. This regulation will establish the fee for disinterment of a casketed burial, an in-ground cremation burial, and burial in the columbaria.

Anticipated Benefits of Proposed Regulations

By providing the State Veterans Cemeteries a standard interment fee based on the federal reimbursement rate CalVet will be able to more effectively provide for the perpetual maintenance of the State Veterans Cemeteries into the future until such time as the cemeteries are “closed”. The State Veterans Cemeteries will not have to rely as heavily on State General Funds for operation. As the cost of living allowance rises the burial fee will rise with the standard of the federal reimbursement rate. The burial fees will continue to be deposited into the appropriate State Veterans Cemeteries Endowment Fund or Perpetual Maintenance Fund. These Endowment Funds will continue to grow with interest over time and allow for the cemeteries to become self-sustainable once they are closed for burials.

Determination of Inconsistency/Incompatibility with Existing State Regulations

CalVet has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate or affect this area, CalVet has concluded that the only legal reference that concerns a fee for spouses and eligible dependent burials was established in M&VC 1400(b)(1) for the Northern California Veterans Cemetery in 1999. M&VC 1455 was adopted in 2010, so supersedes 1400(b)(1).

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: Savings to the State in reducing the likeliness of a request for General Fund to operate the cemetery in the future.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

Results of the Economic Impact Analysis/Assessment

CalVet concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create new jobs as the current workload for CalVet staff is absorbed with existing resources, (3) unlikely that the proposal will create new businesses, (4) unlikely that the proposal will eliminate existing businesses, and (5) unlikely that the proposal will affect the expansion of businesses currently doing business.

Benefits of the Proposed Action: The proposed regulation will ensure the State Veterans Cemeteries will not have to rely on State General Fund for the all operational costs and but will be funded for perpetual maintenance once the cemeteries are deemed closed for burial.

Small Business Determination: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government code section 11346.5, subdivision (a)(13), CalVet must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CalVet invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action and written comments may be directed to:

Mark George
California Department of Veterans Affairs
Northern California Veterans Cemetery
Igo, CA 96047
Telephone: (530) 396-2429
E-mail: mark.george@calvet.ca.gov
Fax: (530) 396-2523

The backup contact person is: Angela Yamamoto, 1227 O Street, Room 105, Sacramento, CA 95814. Telephone: (916) 651-3068. Inquiries may also be submitted by e-mail to angela.yamamoto@calvet.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

CalVet will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies of the exact language (express terms) of the proposed regulations and of the initial statement of reasons, and all the information the information upon which the proposal is based, may be obtained upon request from the contact persons named above. These documents may also be viewed and downloaded from the CalVet website at www.calvet.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mark George at the address indicated above. CalVet will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mark George at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the CalVet website at: www.calvet.ca.gov.

***** END *****