

TEXT OF PROPOSED REGULATIONS

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

TEXT

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

Text proposed in italic type. Text deleted in strikethrough.

12 CCR § 461. Persons Eligible for Burial

(a) In determining which persons are eligible for burial in a state veterans cemetery, the Division of Veterans Services shall use the eligibility requirements specified in Title 38 Code of Federal Regulations § 38.620 "Persons Eligible for Burial" (~~Federal Register, Volume 70, Number 19 effective January 31, 2005~~), which is hereby incorporated by reference in its entirety.

(b) The Division of Veterans Services, or its designee, shall review and determine the eligibility of persons seeking burial in a state veterans cemetery. Any person requesting burial of an applicant in a state veterans cemetery, shall submit an "Eligibility for Burial Benefits Determination" application (~~DVS 100, dated August, 2005~~), which is hereby incorporated in its entirety, *and supporting documentation as required by the U.S. Department of Veterans Affairs* to enable the Division to determine the applicant's *and dependent* eligibility.

Note: Authority cited: Section ~~700~~-1455, Military and Veterans Code. Reference: Section 1400, 1410, 1455 Military and Veterans Code.

12 CCR § 463. *Burial Fees*

(a) *The department shall not charge a fee for burial of eligible veterans.*

(1) Subsequent or second burial of an eligible veteran for which a federal reimbursement has already been awarded (for example, moving a veteran interred at a national veterans cemetery to a state veterans cemetery) shall incur a fee equal to the current published U. S. Department of Veterans Affairs burial rate for veterans.

(b) *The fee for the interment of eligible spouses and children of veterans in a state veterans cemetery shall be set in accordance with the current published U.S. Department of Veterans Affairs burial rate for veterans.*

Note: Authority cited: Military and Veterans Code: Section 1455. References: Military and Veterans Code: Sections 1400, 1410, 1455.

12 CCR § 464. Disinterments

(a) Disinterments of eligible decedents in state veteran cemeteries shall be permitted according to Title 38 Code of Federal Regulations § 38.621 “Disinterments”.

(a) Family members are responsible for all disinterment costs. State veteran cemetery fees for reopening a gravesite are 50% of the current federal burial reimbursement rate for in-ground cremation and 75% of the current federal burial reimbursement for caskets. There is no fee to reopen a niche.

Note: Authority cited: Military and Veterans Code: Section 1455. References: Military and Veterans Code: Sections 1400, 1410, 1455.