

SCOMM

139:10

HOUSE COMMITTEE REPC T

(7)

Date Referred to Committee: March 7, 2005

FURTHER REFERRALS: State Affairs
Finance

Date of Committee Action: 3-31-05

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS considered: **HB 208**

HOUSE BILL NO. 208

STATE VETERANS' CEMETERY

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans' cemetery; and establishing the Alaska veterans' cemetery fund in the general fund."

Recommends it be replaced with [] HCS or [☒] CS for 11B208 ()

For Senate Bills with new title: ☐ *Technical Title* ☐ *New Title: HCR_____* ☒ *Same Title* ☐ *New Title*

☐ attach amendments

☐ add new referral to _____Committee

[] Letter of Intent _____ Committee

*List of
Abbrev
for
Depts.:*
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

[illegible][illegible]

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
<i>Max Hunter</i>	<i>Granberg</i>	✓			
<i>David Ahlstrom</i>	<i>Ahlstrom</i>	✓			
<i>Elkins</i>	<i>ELKINS</i>	✓			
<i>Thomson</i>	<i>Thomson</i>	✓			
Chair: <i>Bob Lyn</i>	<i>LYNN</i>	✓			
Chair:					

Session:
State Capitol, Room 13
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

Alaska State Legislature
Representative David Guttenberg

Interim:
119 N. Cushman
Suite 211
Fairbanks, AK 99701
(907) 456-8172
(907) 451-9293 Fax

District 8

MEMO

To: Representative Bob Lynn, Chair
House Military and Veterans Affairs Committee

From: Representative David Guttenberg

Date: March 9, 2005

Re: Hearing request for HB 208, An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans' cemetery; and establishing the Alaska veterans' cemetery fund in the general fund.

I respectfully request a hearing on House Bill 208 in the House Military and Veterans Affairs Committee.

Attached you will find:

- Current version of HB 208
- Sponsor statement
- Press release
- State Cemetery Grant Program and eligibility requirements for Burial Benefits from the Department of Veterans Affairs Administration
- Fairbanks Veterans Cemetery Worksheet Operational and Maintenance Cost spreadsheet

I look forward to presenting it before the committee as soon as is convenient. My staff, Danielle Brown-Farrell is assigned to this legislation if there are any questions, 465-4708.

ALASKA STATE LEGISLATURE

Sponsor



Statement

SESSION:
Alaska State Capitol, Room 13
Juneau, AK 99801
(907) 465-4457 Office
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Representative David Guttenberg

SPONSOR STATEMENT House Bill 208

Alaskan veterans deserve a cemetery that is located in the Interior that honors their service. Their sacrifices while serving our country, often in less comfortable conditions and many times in harms way, should be recognized.

There are many hardships involved in losing a loved one. Alaska has more residents in the military on a per-capita basis than any other state. According to the USDA Veterans Association, Fairbanks North Star Borough has approximately 11,164 veterans. Forty percent of families in the Fairbanks area have at least one veteran in their household and 16% have at least one woman in the household who is a veteran.

A state veterans' cemetery in the Interior would better serve needs of the veterans and their families, and provide a place that is centrally located, honorable, and well maintained. HB 208 seeks to establish a state cemetery that will be modeled similar to the Fort Richardson and Sitka National Cemeteries. It will provide a place in the Interior for soldiers to be laid with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation.

HB 208 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans cemetery with funds from the U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program. Through the State Cemetery Grants Program, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs for an approved project.

To date, the VA has awarded 137 grants totaling more than \$209 million to establish, expand or improve 62 veterans cemeteries in 32 states plus Guam. Fifty-six cemeteries in 29 states and Guam are now operational.

I urge your support on this legislation.

There are two types of veterans' license plates (General Veterans' Plates & Veterans' Commemorative Plates) that are being sold by the Division of Motor Vehicles (DMV)

Veterans' Commemorative Plates: These special request civilian license plates were created by the passage of Senate Bill 146 in 2004. They are sold for a one-time \$100 fee with a biennial renewal fee of \$35. The monies generated from the sale of the commemorative plates are earmarked for state programs supporting Alaska's veterans. To date, the money generated has gone into the general fund. Other license plates under this umbrella category are the University, Dog Mushing, Alaska Children's Trust, or the Arts Commemorating license plates. To date, there are no production designs for the Dog Mushing or the Arts Commemorating license plates.

Commemorative Veterans' Plates: FY 04

- FY2004 \$200

Commemorative Veterans' Plates: FY 05 (collections through January 05)

- FY2005 \$800

The Alaska Dept. of Military and Veterans Affairs can request to use this money to use for veterans' programs, but to date has not done so. Currently, the monies collected from these plates have gone into the general fund. Once they go in the general fund they become a very small portion of the \$2 billion plus GF pot. HB 208 seeks to use these funds to help pay for the annual operation costs for maintaining the veterans cemetery.

General Veterans' Plates: These plates were created in 1998 and can only be sold to veterans of military service. They are sold for \$30 with a biennial renewal fee of \$35. Also included under this umbrella category are the Recipients of the Purple Heart, Alaska National Guard Personnel, and the Pearl Harbor license plates.



Alaska State Legislature

Representative David Guttenberg

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guttenberg@akdemocrats.org

FOR IMMEDIATE RELEASE • March 7, 2005

Guttenberg Files Bill For Veterans' Cemetery

Bill establishes burial ground in Interior Alaska

JUNEAU - Representative David Guttenberg, D-Fairbanks, introduced a bill today to establish a state veterans' cemetery in the Interior.

"Forty percent of families in the Fairbanks area have at least one veteran in their household and 16 percent have at least one woman in the household who is a veteran," Representative Guttenberg said. "Alaska Natives have the highest per capita service record of any ethnic group in the country. Alaskan veterans deserve a cemetery that is located in the Interior that honors their service. Their sacrifices while serving our country, often in less-than-comfortable conditions and many times in harm's way, should be recognized."

Representative Guttenberg's bill establishes a state cemetery similar to the Fort Richardson and Sitka National Cemeteries. It will provide a place in the Interior for soldiers to be laid to rest with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation.

House Bill 208 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain an Alaskan veterans cemetery with funds from the U.S. Department of Veterans Affairs' State Cemetery Grants Program. Through the State Cemetery Grants Program, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs for an approved project.

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• http://www.akdemocrats.org/Documents/030705_guttenberg_dignified_veterans_resting_place.pdf

• Additional information: [Representative David Guttenberg](#)

Print Forward this page

Putting Alaskans First • Moving Alaska Forward 2005

Danielle Brown

From: Jayne, Bill [bill.jayne@mail.va.gov]
Sent: Tuesday, November 09, 2004 7:16 AM
To: Danielle Brown
Subject: Fairbanks cemetery estimates
Attachments: Fairbanks.xls

Danielle,

I've attached a spreadsheet that uses a standard model to project the size site that would be needed and the approximate cost of operating the cemetery. The standard model didn't work very well in this case so I made some adjustments. First of all, I used a larger usage rate factor than normal (see footnote #1 on the spreadsheet titled "Fairbanks Veterans Cemetery Worksheet"). Secondly, I increased the size of the site needed. I think a 20-acre site would be ample but less might make it difficult to develop the cemetery in an appropriate fashion. This number is extremely variable. A site with excellent characteristics such as easily developed land (lack of slopes, rock, water), good road access, etc., might allow a smaller acreage factor. In addition, the high cremation rate in Alaska might allow us to design an appropriate cemetery on a smaller site. For purposes of initial site search, however, I think it would be safe to start looking for a 20-acre site. The most significant cost factor is personnel. My model (which is somewhat "inflated" for the reasons discussed above) forecasts just 1.41 full-time equivalent employees. I used two employees just to make sure we're not understating the operational and maintenance cost. With all that being said, I'm confident that the State of Alaska could operate and maintain an appropriate veterans cemetery in Fairbanks for less than \$100,000 per year.

Please don't hesitate to call on me for any questions you may have. I'm also available to help with site selection and explaining the grants program.

Bill Jayne

Director, State Cemetery Grants Service (41E)
National Cemetery Administration
U.S. Department of Veterans Affairs
Washington, DC 20420
(202) 565-6152
State Cemetery Grants Program

FAIRBANKS VETERANS CEMETERY WORKSHEET OPERATIONAL AND MAINTENANCE COSTS¹

Demographic Factors	Data	Notes
Veterans in four areas	11,164	Fairbanks/North Star and 3 adjoining areas
Avg. annual death rate	149	2005-2026 VA figures
Usage factor	0.50 ¹	50% of veterans will use cemetery
Dependents factor	1.50	1 dependent per 2 veterans
Annual burial rate	112	[Death rate x usage] x dependents factor
Graves per acre (gross)	600	Rule of thumb
Min. gravesites needed (20 yr.)	1,676	[Annual burials x 0.75] x 20
Min. burial acreage needed	2.79	One of four is a "second interment"
Gross acreage recommended	20.00 ²	Min. gravesites/600 see note below
Personnel Factors	Data	
Admn. Workers (230 inter. Per FTE)	0.49	Based on NCA estimates
Field workers		Cumulative
Interments (250 per FTE)	0.45	Includes PT, temp., etc.
Gravesites (7,844.4 per FTE)	0.21	Rises over time
Acres Maint. (10.7 per FTE)	0.26	Burial acres used/developed acres may vary
Field Workers Subtotal	0.92	
Employees	1.41	Admn. & field workers
Cem. Director		NCA Costs
(GS 9--\$36.7 x 1.3 for fringes)	\$47,652.80	1.0 Full Time Equivalent Employee (FTEE)
Equip. Operator		
(WG-8--\$28 x 1.3)	\$36,142.60	1.0 FTEE
Total Salary	\$83,795.40	
Operations Factors	Data	
Utilities & communications	\$1,117.50	Phone, water, electricity, gas (\$400 x acres)
Supplies & materials	\$2,095.31	Fuel, fertilizer, etc. (\$750 x acres)
Contractual services	\$1,187.34	Janitorial, security, irrigation (\$425 x acres)
Subtotal	\$4,400.16	
Total Annual Operations \$88,195.56		
<i>Maintenance and Repairs</i>	<i>extra</i>	
<i>Equipment Replacement</i>	<i>extra</i>	

¹ The standard usage factor is 25% but we have increased the factor to 50% in this case because of the difficulty in projecting usage in this area. While 50% usage may be high, it would be better to estimate a higher number at this point rather than a lower number.

² The model assumes a suitable site with easily developed cemetery land. In this case, it would be better to acquire as large a parcel as possible in order to assure suitable land and the ability to buffer surrounding land uses. At least 20 acres should be considered.

Department of Veterans Affairs National Cemetery Administration

Communications & Outreach Support
 Wash

F

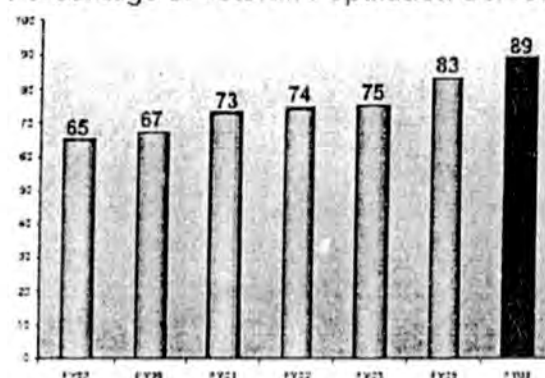
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NATIONAL CEMETERY DEVELOPMENT

One of the National Cemetery Administration's (NCA) goals is to provide eligible veterans reasonable access to Department of Veterans Affairs (VA) burial options. Experience and recent historical data show that over 80 percent of persons interred in national cemeteries resided within 75 miles of the cemetery at time of death. NCA considers reasonable access to burial benefits to mean that a first interment option, for casketed or cremated remains in a national or state veterans cemetery, is available within 75 miles of the veteran's place of residence.

To meet the burial needs of veterans, NCA builds new national cemeteries in areas where veterans do not have reasonable access to burial options. NCA also manages the State Cemetery Grants Program that encourages states to build state veterans cemeteries in areas unserved by a national veterans cemetery. The percentage of veterans with reasonable access to burial benefits has increased from 65 percent in 1995 to 75 percent today. By 2009, 89 percent of veterans will have reasonable access to a national or state veterans cemetery.

Percentage of Veteran Population Served



Population within 75 miles of a national cemetery or state veterans cemetery

NCA has built six new national cemeteries since 1997 and is currently directed to build 11 new national cemeteries to serve veterans. NCA also seeks to increase the long-term burial capacity of current national cemeteries by acquiring adjacent land, building columbaria where feasible and using innovative designs that maximize the burial space available.

NCA follows a 6-step process to build a new national cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion.

Site Selection

NCA identifies a geographic area with a large veteran population that is unserved by a

national or state veterans cemetery. The cemetery size and number of gravesites are determined by current and future demographic forecasts. NCA canvases the local area for sites of the size needed to meet demographic forecasts. These sites are evaluated for their suitability for cemetery development and the top two to five sites advance to the next step in the process.

Environmental Assessment

To comply with the National Environmental Policy Act (NEPA), the top sites are assessed to determine the impact of cemetery development and operations on the environment. An Environmental Assessment document is prepared, identifying the VA preferred site. The site's assessment must result in a "Finding of No Significant Impact" (FONSI) in order to be considered for acquisition. If the NEPA evaluation results in a FONSI, then NCA makes the results available to the general public for a 30-day comment period. After the comment period, NCA makes a final recommendation to the Secretary of Veterans Affairs, who decides whether to purchase the property.

Land Acquisition

In some instances, land is donated to VA. Federal and state lands have also been transferred to VA at no cost to establish some national cemeteries. Otherwise, land is purchased at the fair market value established by a real property appraisal. Before the final sales contract is signed, the Department of Justice, acting on behalf of VA, reviews all documents to ensure that the contract and title meet all the requirements for a legal transfer of ownership.

Master Planning and Design Development

Once VA takes title to the land, bids are solicited from architectural and engineering (A/E) firms. NCA selects an A/E firm and a contract is negotiated with the firm to design the new cemetery. A master plan for developing all phases of the cemetery on the entire site is prepared, followed by more detailed design development for the first phase of construction. The first phase usually includes the first active burial section and the requisite infrastructure to operate the cemetery. Subsequent phases generally include new burial sections and associated infrastructure in the new section. Typically, each phase of construction is designed to provide sufficient burial space to last 10 years.

Construction Document Preparation

Under a second negotiated contract, the A/E prepares plans and specifications that detail all aspects of phase one construction: active burial sections, administrative buildings, maintenance buildings, public information center, committal shelters, roads and other infrastructure. These documents provide the basis for contractors to bid on constructing the project.

Construction Award and Completion

Finally, NCA solicits bids and awards a contract for construction of the new cemetery. The bid and award process takes about three months; actual construction of phase one takes about 24 months.

Funds approved by Congress must be available in order to complete the various steps. Land purchases and construction require multiple appropriations, over several years of budgets, to complete each phase. Site selection, NEPA compliance, master planning, design and phase one construction require more than five years to complete.



Burial and Plot-Interment Allowances

What Is A VA Burial Allowance ?

A VA burial allowance is a partial reimbursement of an eligible veteran's burial and funeral costs. When the cause of death is not service-related, the reimbursement is generally described as two payments: (1) a burial and funeral expense allowance, and (2) a plot interment allowance.

Who Is Eligible ?

You may be eligible for a VA burial allowance if:

- ✧ you paid for a veteran's burial or funeral **AND**
- ✧ you have not been reimbursed by another government agency or some other source, such as the deceased veteran's employer **AND**
- ✧ the veteran was discharged under conditions other than dishonorable.

In addition, at least one of the following conditions must be met:

- ✧ the veteran died because of a service-related disability **OR**
- ✧ the veteran was receiving VA pension or compensation at the time of death **OR**
- ✧ the veteran was entitled to receive VA pension or compensation but decided not to reduce his/her military retirement or disability pay **OR**
- ✧ the veteran died in a VA hospital or while in a nursing home under VA contract, or while in an approved state nursing home.

How Much Does VA Pay ?

Service-Related Death. VA will pay up to \$1,500 toward burial expenses for deaths prior to September 10, 2001. For deaths on or after September 11, 2001, VA will pay \$2,000. If the veteran is buried in a VA national cemetery, some or all of the cost of moving the deceased may be reimbursed.

Nonservice-Related Death. VA will pay up to \$300 toward burial and funeral expenses, and a \$150 plot interment allowance for deaths prior to December 1, 2001. The plot-interment allowance is \$300 for deaths on or after December 1, 2001. If the death happened while the veteran was in a VA hospital or under contracted nursing home care, some or all of the costs for transporting the deceased's remains may be reimbursed.

How Can You Apply ?

You can apply by filling out VA Form 21-530, Application for Burial Allowance. You should attach proof of the veteran's military service (DD 214), a death certificate, and copies of funeral and burial bills you have paid.

Related Benefits

Burial in VA National Cemeteries
Presidential Memorial Certificates

Headstones and Markers
Burial Flags

For More Information Call Toll-Free 1-800-827-1000
Or Visit Our Web Site At <http://www.cem.va.gov>



Burial & Memorial Benefits

Veterans Benefits & Services

*State will mirror
the National requirements*

NCA Home Page

"A Sacred Trust"

Nationwide Gravesite
Locator

What's New

About NCA

History

National Cemetery
Web Pages

Cemeteries

Burial Benefits

Headstones and
Markers

Presidential Memorial
Certificates

Military Funeral
Honors

State Cemetery Grants
Program

Obtaining Military
Records & Medals

Office of Construction
Management

FAQs

Site Map

Burial Benefits Eligibility

To confirm your eligibility for burial benefits, please
call a Veteran's Benefits Counselor at:

1-800-827-1000

Persons Eligible for Burial in a VA National Cemetery

VA national cemetery directors have the primary responsibility for verifying eligibility for burial in VA national cemeteries. A determination of eligibility is usually made in response to a request for burial in a VA national cemetery. VA Regional Offices will also assist in determining eligibility for burial in a VA national cemetery. The toll-free number for the nearest VA Regional Office is 1-800-827-1000.

a. Veterans and Members of the Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)

(1) Any member of the Armed Forces of the United States who dies on active duty.

(2) Any veteran who was discharged under conditions other than dishonorable. With certain exceptions, service beginning after September 7, 1980, as an enlisted person, and service after October 16, 1981, as an officer, must be for a minimum of 24 continuous months or the full period for which the person was called to active duty (as in the case of a Reservist called to active duty for a limited duration). Undesirable, bad conduct, and any



other type of discharge other than honorable may or may not qualify the individual for veterans benefits, depending upon a determination made by a VA Regional Office. Cases presenting multiple discharges of varying character are also referred for adjudication to a VA Regional Office.

(3) Any citizen of the United States who, during any war in which the United States has or may be engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last active service was terminated honorably by death or otherwise, and who was a citizen of the United States at the time of entry into such service and at the time of death.

b. Members of Reserve Components and Reserve Officers' Training Corps

(1) Reservists and National Guard members who, at time of death, were entitled to retired pay under Chapter 1223, title 10, United States Code, or would have been entitled, but for being under the age of 60. Specific categories of individuals eligible for retired pay are delineated in section 12731 of Chapter 1223, title 10, United States Code.

(2) Members of reserve components, and members of the Army National Guard or the Air National Guard, who die while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training, or undergoing such hospitalization or treatment.

(3) Members of the Reserve Officers' Training Corps of the Army, Navy, or Air Force who die under honorable conditions while attending an authorized training camp or on an authorized cruise, while performing authorized travel to or from that camp or cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while engaged in one of those activities.

(4) Members of reserve components who, during a period of active duty for training, were disabled or died from a disease or injury incurred or aggravated in line of duty or, during a period of inactive duty

training, were disabled or died from an injury or certain cardiovascular disorders incurred or aggravated in line of duty.

c. Commissioned Officers, National Oceanic and Atmospheric Administration

(1) A Commissioned Officer of the National Oceanic and Atmospheric Administration (formerly titled the Coast and Geodetic Survey and the Environmental Science Services Administration) with full-time duty on or after July 29, 1945.

(2) A Commissioned Officer who served before July 29, 1945, and,

(a) Was assigned to an area of immediate military hazard as determined by the Secretary of Defense while in time of war, or in a Presidentially declared national emergency; or,

(b) Served in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter.

d. Public Health Service

(1) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who served on full-time duty on or after July 29, 1945. If the service of the particular Public Health Service Officer falls within the meaning of active duty for training, as defined in section 101(22), title 38, United States Code, he or she must have been disabled or died from a disease or injury incurred or aggravated in the line of duty.

(2) A Commissioned Officer of the Regular or Reserve Corps of the Public Health Service who performed full-time duty prior to July 29, 1945:

(a) In time of war;

(b) On detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard; or,

(c) While the Service was part of the military forces of the United States pursuant to Executive Order of the President.

(3) A Commissioned Officer serving on inactive duty training as defined in section 101(23), title 38, United States Code, whose death resulted from an injury incurred or aggravated in the line of duty.

e. World War II Merchant Mariners

(1) United States Merchant Mariners with oceangoing service during the period of armed conflict, December 7, 1941, to December 31, 1946. Prior to the enactment of Public Law 105-368, United States Merchant Mariners with oceangoing service during the period of armed conflict of December 7, 1941, to August 15, 1945, were eligible. With enactment of Public Law 105-368, the service period is extended to December 31, 1946, for those dying on or after November 11, 1998. A DD-214 documenting this service may be obtained by submitting an application to Commandant (G-MVP-6), United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593. Notwithstanding, the Mariner's death must have occurred on or after the enactment of Public Law 105-368.

(2) United States Merchant Mariners who served on blockships in support of Operation Mulberry during World War II.

f. The Philippine Armed Forces

(1) Any Philippine veteran who was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death; and resided in the United States at the time of their death; and,

(a) Was a person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who died on or after November 1, 2000; or,

(b) Was a person who enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who died on or after December 16, 2003.

g. Spouses and Dependents

(1) The spouse or surviving spouse of an eligible veteran is eligible for interment in a national cemetery even if that veteran is not buried or memorialized in a national cemetery. In addition, the spouse or surviving spouse of a member of the Armed Forces of the United States whose remains are unavailable for burial is also eligible for burial.

(2) The surviving spouse of an eligible veteran who had a subsequent remarriage to a non-veteran and whose death occurred on or after January 1, 2000, is eligible for burial in a national cemetery, based on his or her marriage to the eligible veteran.

(3) The minor children of an eligible veteran. For purpose of burial in a national cemetery, a minor child is a child who is unmarried and:

(a) Who is under 21 years of age; or,

(b) Who is under 23 years of age and pursuing a full-time course of instruction at an approved educational institution.

(4) The unmarried adult child of an eligible veteran. For purpose of burial in a national cemetery, an unmarried adult child is:

Of any age but became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Proper supporting documentation must be provided.

g. Others

Such other persons or classes of persons as designated by the Secretary of Veterans Affairs (38 U.S.C. § 2402(6)) or the Secretary of Defense (Public Law 95-202, § 401, and 38 CFR § 3.7(x)).

Persons NOT Eligible for Burial in a VA National Cemetery

a. Former Spouses

A former spouse of an eligible individual whose marriage to that individual has been terminated by annulment or divorce, if not otherwise eligible.

b. Other Family Members

Family members of an eligible person except those defined as eligible in Section III, paragraph g.

c. Disqualifying Characters of Discharge

A person whose only separation from the Armed Forces was under dishonorable conditions or whose character of service results in a bar to veterans benefits.

d. Discharge from Draft

A person who was ordered to report to an induction station, but was not actually inducted into military service.

e. Person Found Guilty of a Capital Crime

Under 38 U.S.C. § 2411, interment or memorialization in a VA cemetery or in Arlington National Cemetery is prohibited if a person is convicted of a Federal capital crime and sentenced to death or life imprisonment, or is convicted of a State capital crime, and sentenced to death or life imprisonment without parole. Federal officials are authorized to deny burial in veterans cemeteries to persons who are shown by clear and convincing evidence to have committed a Federal or State capital crime but were not convicted of such crime because of flight to avoid prosecution or by death prior to trial. The Secretary is authorized to provide aid to States for the establishment, expansion and/or improvement of veterans cemeteries on the condition that the State is willing to prohibit

interment or memorialization in such cemeteries of individuals convicted of Federal or State capital crimes, or found by clear and convincing evidence to have committed such crimes, without having been convicted of the crimes due to flight to avoid prosecution or death prior to trial. (38 U.S.C. § 2408 (d)(2)). This prohibition is also extended to other burial benefits, including furnishing a Presidential Memorial Certificate, a burial flag, or a headstone or marker.

f. Subversive Activities

Any person convicted of subversive activities after September 1, 1959, shall have no right to burial in a national cemetery from and after the date of commission of such offense, based on periods of active military service commencing before the date of the commission of such offense, nor shall another person be entitled to burial on account of such an individual. Eligibility will be reinstated if the President of the United States grants a pardon.

g. Active or Inactive Duty for Training

A person whose only service is active duty for training or inactive duty training in the National Guard or Reserve Component, unless the individual meets the eligibility criteria listed in Section III.1.b. of this information sheet.

h. Other Groups

Members of groups whose service has been determined by the Secretary of the Air Force under the provisions of Public Law 95-202 as not warranting entitlement to benefits administered by the Secretary of Veterans Affairs.

Introduced:
Adopted:

MARK BARTOS
03/24/05
03/24/05

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2005 - 15

A RESOLUTION SUPPORTING THE CREATION OF A STATE VETERANS' CEMETERY IN THE INTERIOR THROUGH LEGISLATION THAT ESTABLISHES AN ALASKAN VETERANS CEMETERY WITH FUNDS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) STATE CEMETERY GRANTS PROGRAM.

WHEREAS, Alaskan veterans deserve a cemetery that is located in the Interior that honors their service; and

WHEREAS, according to the Department of Veterans Affairs National Cemetery Administration, Alaska has more residents in the military on a per-capita basis than any other state. There are approximately 11,164 veterans living in the Fairbanks North Star Borough; and

WHEREAS, the nearest officially designated military cemetery is located in Anchorage at Fort Richardson Army base; and

WHEREAS, the VA National Cemetery Administration follows a 6-step process to build a new state veterans cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion; and

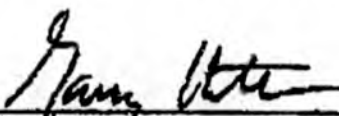
WHEREAS, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs from the VA State Cemetery Grants Program for an approved project and the VA has awarded 137 grants to establish and improve veterans cemeteries around the country; and

WHEREAS, a State Veterans' Cemetery in the Interior would better serve needs of the veterans and their families, and provide a place that is centrally located, honorable, and would provide a place in the Interior for soldiers to be laid with full military funeral honors, palibearers, rifle team, flag folding, and flag presentation; and

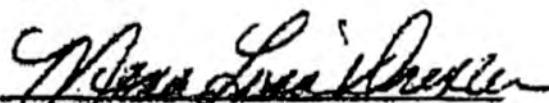
NOW THEREFORE BE IT RESOLVED, that the Fairbanks North Star Borough Assembly supports the creation of a State Veterans' Cemetery in the Interior and recognizes veterans' sacrifices while serving our country.

46 BE IT FURTHER RESOLVED, that copies of this resolution shall be
47 forwarded to The Honorable Governor Frank Murkowski, the Alaska Interior Delegation,
48 members of the House Military and Veterans Affairs Committee, Major General Craig E.
49 Campbell Adjutant General/Commissioner, Military and Veterans Affairs, The Honorable
50 Senator Ted Stevens, the Honorable Senator Lisa Murkowski, the Honorable
51 Congressman Don Young.

52 PASSED AND APPROVED THIS 24th DAY OF MARCH 2005.
53
54


Garry Hutchison
Presiding Officer

ATTEST:


Mona Lisa Drexler, GMC
Municipal Borough Clerk

55
56 Ayes: Romans, Bartos, Sattley, Rex, Williams, Hopkins, Aldridge, Frank, Hutchison
57 Noes: None

REP. DAVID GUTTENBERG
119 N. CUSHMAN ST. SUITE 211
FAIRBANKS, AK 99701

(907) 451-9293 (FAX)

RE: HB 208 STATE VET CEMETERY

DEAR REP GUTTENBERG

DAVID

I AM IN SUPPORT OF HB 208.

IT'S TIME IS OVERDUE. BOTH

FT RICH & SIGMA'S MILITARY

CEMETERIES ARE TOO FAR

AWAY FOR INTERIOR VETERANS

USE. MY CONCERNS ABOUT

MAINTENANCE OF COMPLETED ^{CEMETERY} HAVE

BEEN ADDRESSED. "CORKY"

MAR-29-2005 TUE 12:27 PM REP. DAVID GUTTENBERG

FAX NO. 907 465 3519

P. 01/01

HOUSE BILL NO. 208

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GUTTENBERG

Introduced: 3/7/05

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the Department of Military and Veterans' Affairs to establish and
2 maintain an Alaskan veterans' cemetery; and establishing the Alaska veterans' cemetery
3 fund in the general fund."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 28.10.421(d)(16) is amended to read:

6 (16) special request plates commemorating Alaska veterans \$100
7 plus a fee of \$35 and the fee required for that vehicle under (b)(1) or (2) of this
8 section; the \$100 fee required by this paragraph shall be collected only on the first
9 issuance of and the replacement of the commemorative veterans' plates; the \$35 fee
10 required by this paragraph shall be collected biennially in the same manner as the fee
11 required under (b)(1) or (2) of this section; the commissioner of administration shall
12 separately account for the fees received under this paragraph that the department
13 deposits in the general fund; notwithstanding (g) of this section, the annual estimated
14 balance in the account that is in excess of the cost of issuing special request plates may

1 be appropriated by the legislature to the Alaska veterans' cemetery fund created
 2 under AS 37.05.590 [FOR THE SUPPORT OF PROGRAMS BENEFITING
 3 ALASKA VETERANS].

4 * Sec. 2. AS 37.05 is amended by adding a new section to article 6 to read:

5 **Sec. 37.05.590. Alaska veterans' cemetery fund.** (a) There is created as a
 6 special account in the general fund the Alaska veterans' cemetery fund into which
 7 shall be deposited appropriations to the Alaska veterans' cemetery fund.

8 (b) Beginning with the appropriations for the fiscal year beginning July 1,
 9 2005, on an annual basis and under AS 37.07 (Executive Budget Act), the legislature
 10 may appropriate amounts from the Alaska veterans' cemetery fund to the Department
 11 of Military and Veterans' Affairs for the construction, operation, and maintenance of
 12 the Alaska veterans' cemetery established under AS 44.35.035.

13 (c) Appropriations to the Alaska veterans' cemetery fund are not one-year
 14 appropriations and do not lapse under AS 37.25.010.

15 (d) The unexpended and unobligated balance of an appropriation from the
 16 Alaska veterans' cemetery fund lapses into the Alaska veterans' cemetery fund at the
 17 end of the fiscal year for which it was appropriated.

18 (e) Nothing in this section exempts money deposited into the Alaska veterans'
 19 cemetery fund from the requirements of AS 37.07 (Executive Budget Act) or dedicates
 20 that money for a specific purpose.

21 * Sec. 3. AS 44.35 is amended by adding a new section to read:

22 **Sec. 44.35.035. Alaska veterans' cemetery.** (a) The department shall
 23 establish and maintain ~~an~~ Alaska veterans' cemetery ^{in Fairbanks} ^{or any other} to serve state
 24 veterans and spouses and eligible dependents of state veterans. ^

25 (b) The department may accept gifts, donations, and grants, including land,
 26 under AS 26.10.030 for the purpose of establishing and maintaining the Alaska
 27 veterans' cemetery. Land received by the department for the Alaska veterans'
 28 cemetery shall be owned by the state.

29 (c) The department shall

30 (1) adopt regulations for determining individuals eligible for burial in
 31 the Alaska veterans' cemetery;

1 (2) receive the plot or interment allowance on behalf of the state under
2 38 U.S.C. 2303;

3 (3) comply with all requirements for a state veterans' cemetery grant
4 established by the United States Department of Veterans Affairs under 38 U.S.C.
5 2408; and

6 (4) apply to the United States Department of Veterans Affairs for state
7 veterans' cemetery grants under 38 U.S.C. 2408.

8 (d) The department may

9 (1) adopt regulations necessary to administer the Alaska veterans'
10 cemetery;

11 (2) enter into agreements for the maintenance and operation of the
12 Alaska veterans' cemetery with political subdivisions of the Alaska and other persons;
13 and

14 (3) solicit gifts, donations, and grants in addition to the state veterans'
15 cemetery grants in (c) of this section that may be designated for the establishment and
16 maintenance of the Alaska veterans' cemetery and received by the department under
17 AS 26.10.030.

18 (e) In this section, "department" means the Department of Military and
19 Veterans' Affairs.



The Interior needs its own state veterans cemetery

By REP. DAVID GUTTENBERG

Alaska is a great place to live. The vast mountainous landscape and potential for adventure and exploration has drawn people from all walks of life, including a large resident population of military veterans. According to the Dept. of Veterans Affairs, the Fairbanks North Star Borough has approximately 11,164 veterans.

With so many veterans in the Fairbanks area, the creation of a state veterans' cemetery in the Interior would better serve the needs of veterans and their families, as well as provide a respectable place that is centrally located and well maintained.

The Interior region qualifies for a grant from the U.S. Department of Veterans Affairs (VA) State Cemetery Grants Program to establish a state veterans cemetery. This federal grant would

provide 100 percent of the design and construction costs, which is a wonderful opportunity for the Interior veteran residents. Once established, the Alaska Military and Veterans Affairs would maintain and operate the cemetery similar to the two national cemeteries at Fort Richardson in Anchorage and Sitka.

From Fairbanks, the nearest military cemetery is a six to seven hour, 360-mile drive to Anchorage at the Fort Richardson National Cemetery. I would think you would agree with me that such a drive is unreasonable, especially during the winter months.

There is no reason that friends and families of veterans should be burdened with such a long drive to pay their respects especially when the region qualifies for a federal grant to construct a state veterans cemetery and that is why I spon-

sored HB 208, "a bill that establishes a state veterans cemetery in the Interior".

For more information about HB 208, or any other bills or issues of concern, I want to make sure it is easy to contact me. Your letters, faxes, and emails are always welcome. My address is Rep. David Guttenberg, State Capitol Room 13, Juneau AK 99801. My fax number is (907) 465-3519. You can also reach me by e-mail anytime at Representative_David_Guttenberg@legis.state.ak.us. In addition, I would be happy to add you to my e-mail list to give you updates on issues that you care about.

Rep. David Guttenberg is a Democrat and represents district 8 Fairbanks and Denali Borough in the Alaska State House.

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By: Luke Hopkins
Hank Bartos
Introduced: 03/24/05
Adopted: 03/24/05

FAIRBANKS NORTH STAR BOROUGH
RESOLUTION NO. 2005 - 15

A RESOLUTION SUPPORTING THE CREATION OF A STATE VETERANS' CEMETERY IN THE INTERIOR THROUGH LEGISLATION THAT ESTABLISHES AN ALASKAN VETERANS CEMETERY WITH FUNDS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) STATE CEMETERY GRANTS PROGRAM.

WHEREAS, Alaskan veterans deserve a cemetery that is located in the Interior that honors their service; and

WHEREAS, according to the Department of Veterans Affairs National Cemetery Administration, Alaska has more residents in the military on a per-capita basis than any other state. There are approximately 11,164 veterans living in the Fairbanks North Star Borough; and

WHEREAS, the nearest officially designated military cemetery is located in Anchorage at Fort Richardson Army base; and

WHEREAS, the VA National Cemetery Administration follows a 6-step process to build a new state veterans cemetery: site selection; environmental assessment; land acquisition; master planning and design development; construction documents preparation; and construction award and completion; and

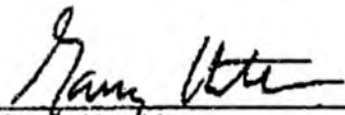
WHEREAS, the Alaska Department of Military and Veterans' Affairs can be awarded up to 100 percent of the development costs from the VA State Cemetery Grants Program for an approved project and the VA has awarded 137 grants to establish and improve veterans cemeteries around the country; and

WHEREAS, a State Veterans' Cemetery in the Interior would better serve needs of the veterans and their families, and provide a place that is centrally located, honorable, and would provide a place in the Interior for soldiers to be laid with full military funeral honors, pallbearers, rifle team, flag folding, and flag presentation; and

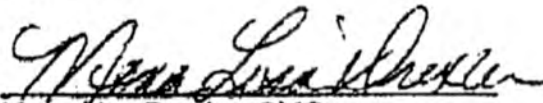
NOW THEREFORE BE IT RESOLVED, that the Fairbanks North Star Borough Assembly supports the creation of a State Veterans' Cemetery in the Interior and recognizes veterans' sacrifices while serving our country.

46 BE IT FURTHER RESOLVED, that copies of this resolution shall be
47 forwarded to The Honorable Governor Frank Murkowski, the Alaska Interior Delegation,
48 members of the House Military and Veterans Affairs Committee, Major General Craig E.
49 Campbell Adjutant General/Commissioner, Military and Veterans Affairs, The Honorable
50 Senator Ted Stevens, the Honorable Senator Lisa Murkowski, the Honorable
51 Congressman Don Young.

52
53 PASSED AND APPROVED THIS 24th DAY OF MARCH 2005.
54


Garry Hutchison
Presiding Officer

ATTEST:


Mona Lisa Drexler, CMC
Municipal Borough Clerk

55
56 Ayes: Romans, Bartos, Sattley, Rex, Williams, Hopkins, Aldridge, Frank, Hutchison
57 Noes: None

-Original Message-----

From: Jayne, Bill [<mailto:bill.jayne@va.gov>]

Sent: Friday, March 04, 2005 12:55 PM

To: Danielle Brown

Subject: RE: Ft. Wainwright

Danielle,

The State Cemetery Grants Program in the U.S. Department of Veterans Affairs (VA) is able to provide grants to states to establish, expand and improve state-owned and state-operated veterans cemeteries. Current law authorizes us to provide 100 percent of allowable costs for design, construction and operating equipment in the case of a grant to establish a new cemetery. The state is entirely responsible for the land and for operations and maintenance.

VA's long-term goal is to provide an operational veterans' cemetery- either a national or state facility-within 75 miles of 90 percent of the veterans in the country. Ft. Richardson National Cemetery, located 350 miles away in Anchorage, is the nearest veterans' cemetery to Fairbanks. According to VA's criterion, a cemetery in Fairbanks would increase the number of veterans served by a veterans' cemetery.

Bill Jayne

Bill Jayne

Director, State Cemetery Grants Service (41E) National Cemetery
Administration U.S. Department of Veterans Affairs Washington, DC 20420
(202) 565-6152
State Cemetery Grants Program



FAIRBANKS LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN ST. SUITE 101
FAIRBANKS, AK 99701

WRITTEN TESTIMONY TRANSMITTAL SHEET

TO:	FROM:
Representative Lynn, Chair	Lorice/Lbx LIO
COMPANY:	DATE:
House Military & Veterans Affairs	3/31/2005
FAX NUMBER:	
465-4316	
PHONE NUMBER:	FAXED ON:
465-4931	3/31/2005
RE:	TELECONFERENCE ON:
Written Comments on Reg Review	3/31/2005

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed, please find the originals of the written testimony. Please distribute to committee members.

PHONE: 459-4448

FAX: 156-3346

31 March 2005

HIB 208

Hello, my name is Joyce D. Brownlow and I am here to testify in support of House Bill 208 that would authorize the establishment and maintenance of an Alaskan veteran's cemetery.

There are over 11,000 veterans living in the Fairbanks North Star Borough, with gathered statistics stating that 40% of families in the Fairbanks area have at least one veteran in their household and with women veterans at 16%, I feel that this bill underlines and signifies dramatically the importance, that we as citizens of this "Golden Heart" city and borough, should be addressing.

I attended a meeting yesterday where Billie Blanchard explained the formation of Project; Partnership. This partnership as outlined provides for an opportunity for area businesses and organizations to support our military members and their families during the upcoming Army deployments. This partnership will not only show appreciation to our area soldiers defending our freedoms, but will bring the community together to help the family members left behind. What a concept and I feel strongly that this project will be fully embraced by our wonderful communities.

Now then, what about the soldiers who are now called veterans? The ones who have served and are residing within our community -- therefore 11,000 former soldiers deserve our attention; but more importantly deserve a respectful and honorable cemetery. Many members of my family are buried in Veterans cemeteries, notably Willamette National and Roseburg Veterans in Oregon. A visit each year to them brings a renewed conviction that patriotism is very complicated feeling, but a necessary ingredient in the treatment of our honored veterans.

Creation of the cemetery will be financed by a grant from the VA with maintenance in the amount of \$80,000 to be borne by the State. Two employees and one director would be funded inside this amount; and unlike Birch Hill, the cemetery will be not need citizen assistance for upkeep. The Alaska Department of Military and Veterans Affairs can request to use money from the sale of Veterans Commemorative license plates for veterans programs, but it is my understanding that to date **has not done so**. Currently, the money collected has gone into the State's general fund, and this unused money could be available to help pay for the annual operational costs for maintaining the veterans cemetery.

Another question is the Birch Hill Cemetery and the 60 spaces that are available for veteran burial. The Veterans Administration has estimated 112 deaths annually in our area, so Birch Hill could reach its capacity within a year's period.

As Alaska have more residents in the military on a per-capita basis than any other state in the nation and Fairbanks North Star Borough has over 11,000 veterans, the Interior would greatly benefit with a Veterans Cemetery. It would give comfort and solace to friend and families of our veterans and establish a well-maintained cemetery that would provide a final resting place for our revered veterans.

This is an emotional issue, but should be bi-partisan for the benefit of our veterans and therefore I urge passage of House Bill 208 for the convenience of our Veterans and their families.

Joyce Roethler
505 Juneau Avenue
Fairbanks, Alaska 99701
907-456-4539 or 907-322-1566

March 22, 2005

To: The Legislators of the State of Alaska

From: Joyce Roethler

RE: State Cemetery Legislation

Recently, I was contacted by State Representative David Guttentburg's office concerning the possibility of a State Veteran's Cemetery in Fairbanks for the veteran's who live in the Interior of Alaska.

Two years ago I became a widow of a veteran of the United States Marine Corps. We knew for some time before his death that our battle was not one we were going to win in the long haul but the previous seven years had taught both of us many lessons. One of the most important was that of looking after others who are less fortunate than you and looking after our veteran's, who many times, fall through the cracks in the system.

In 1999 we were at the Birch Hill Cemetery visiting the first Mrs. Roethler's grave when the mortician there for a burial ask if we would assist in laying to rest a veteran. Only he and the grave diggers were there to honor him as he was laid in his final resting place.

Later in 1999 we visited the National Cemetery at Fort Richardson, Alaska and found a beautiful area. On the way home as we drove up the Parks Highway we discussed the problems that effects many veterans and their families in Alaska, a major one is distance. On a good day with good driving conditions and a good vehicle it is at least a six (6) hour drive one way. For many of our older veterans and their families this is much to long a drive to complete the roundtrip in the same day. Thus an overnight in the Anchorage area is necessary.

For some the importance of being at the internment of family as well as being able to visit a loved ones final resting place is a major part of the grieving for that loved one. For others being able to bring flowers of remembrance and recognize the significance of that person on their lives is critical.

After September 11, 2001 another factor came into play and that was the problem of the Fort Richardson National Veteran's Cemetery being on the base and therefore within a secured area. For the retirees and their families with military identification cards, civil servants with identification cards and active duty personnel access to this

hallowed ground is not a problem. For all others the gate is closed without much effort in arranging a visit.

Currently, we have about 180 graves set aside for veterans in the Interior. The first 100 are at the Northern Lights Cemetery here in Fairbanks. The cost of a plot there is approximately \$3,000. Not realistic for many veterans. The other 80 are at the Birch Hill Cemetery. There are two sections there for veterans, one for members of the Veterans of Foreign Wars and the other for members of the American Legion. Currently this area is almost totally filled and the city has graciously set aside another 72 graves for veterans. These graves are \$350.00 each plus the opening of the grave. This cemetery has very little maintenance other than the efforts of local veterans organizations whereas the Northern Lights Cemetery is a perpetual care facility.

Most recent demographics for the state population indicate that one in five families in Alaska are in some manner military (veteran) or military (veteran) affiliated. The current estimate for the interior is over 30,000 veterans and climbing in addition to their families. Some of these veterans have sufficient family and funds to assure the proper internment they have earned by merit of their service to this nation. Others are alone and often buried with little else save a mortician and gravediggers.

Other veterans, the homeless ones who live where ever they can manage to survive, many times have no one to care and only themselves to depend on. At the present time there are veteran's graves on Birch Hill with no markers, there are graves in the Clay Street Cemetery, long closed and full, of veterans whose families have been gone many many years.

When a man or woman serves this country they are told they will be placed to rest in a veteran's cemetery, especially if there is no place else for them to be buried. Obviously, no one is going to pay the bill to drive them to Fort Richardson. But for those here in the Interior that's exactly what this means. This is a burden on family and friends that should not be part of the loss they have suffered.

The Interior of Alaska has a burial period of less than six (6) months a year. During the rest of the year the cemeteries are closed. Bodies are placed in cold storage until spring or cremated. Cremation is the answer for some. Some of those ashes are scattered. Some the family wants interred so they have a place for them to rest. Properly fenced and gated security should be minimal problem with most VA headstones being set flat. Mowing and maintenance would be at most the same period of time with the short summer season of the Interior of Alaska.

The concern of others wanting state cemeteries for their communities is a real concern but in looking at the facts we must realize that the Fort Richardson National Cemetery will never be adequate for all the veterans of Alaska for ever. With the realistic placement of controls on eligibility this can be controlled.

All the men and women of Alaska who have served this country deserve a decent place to be laid to rest at the end of their days. Not a pauper's grave with no headstone, but with the honors due them for the service they have given. They should never have to question the playing of Taps nor the erection of a marker nor if a chaplain will say a few words over them. They should never question weeds marking their grave because no one cares that they rest there.

Alaska's Interior contains a very large populace of veterans, many of whom live in the bush or the rural communities of Alaska. They come to Fairbanks on a regular basis for supplies, medical appointments and care, education, business, etc. This is the hub of the Interior and therefore a logical place for a State Veteran's Cemetery.

As a veteran speaking for other veterans it is important to say that we must recognize the need for the care of the living veterans but we must not forget those who have paid the ultimate price for us with their lives. We continue to have wars and we continue to be touched by those who serve. Not all veterans die on the battlefield. For some death comes a thousand times a night for the rest of their lives. Do we owe them less than to promise them a place to rest in peace?

HONOR THEM—THEY PAID THE DUES FOR YOU!!!

Joyce Roethler