

AK LEGISLATURE SPECIAL COMMITTEE FILES SCOMM 149 3239 113



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Stan Hubbard

Signature of Camera Operator

3-17-2010

Date

LIST OF FILES

SCOMM 149: HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS'
AFFAIRS, 2007-2008

MEMBERS:

REPRESENTATIVE ROSES, CHAIR
REPRESENTATIVE BUCH
REPRESENTATIVE DAHLSTROM
REPRESENTATIVE FAIRCLOUGH
REPRESENTATIVE KAWASAKI
REPRESENTATIVE LEDOUX
REPRESENTATIVE RAMRAS

Established by HR 3, 2007

Contents: 14 files. See legislative homepage at
<http://www.legis.state.ak.us> for minutes and audio of meetings
2/13/07 - 4/1/08.

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10. HJR 11
11. HJR 15
12. SB 214
13. SCR 18
14. SJR 11

SCOMM

149:1

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 16, 2007

FURTHER REFERRALS: State Affairs

Date of Committee Action: February 26, 2008

'The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS considered: HB 44

HOUSE BILL NO. 44

VETERAN INFO ON PFD APPLICATIONS

"An Act relating to information from veterans on the permanent fund dividend application form."

Recommends it be replaced with ☐ HCS or ☒ CS for HB 44 ()
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
~~Patricia L. Dorf~~	~~Kawasaki~~	~~X~~			~~X~~
Anna Fairclough	Fairclough	X			
(Wacey) Kellish	Kellish	X			
R. L. Buch	Buch	X			
Chair: Bob Kozes	ROSES	X			
Chair:					

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

HB 44 (H) MLV

() Publish Date:

Identifier (file name):

HB44-DMVA-NGMHQ-2-22-08

Dept. Affected:

DMVA

Title

An Act relating to information from veterans on the permanent
fund dividend application form

RDU

Military and Veterans Affairs

Component

NGMHQ

Sponsor

Rep. Guttentberg, Dahlstrom, Kertula, Lynn, Fairclough, Kawasaki

Requester

House Special Comm on MVA, State Affairs

Component Number

2135

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

No expected fiscal impact to the Department of Military and Veterans Affairs.

Prepared by: McHugh Pierre, Legislative Liaison/Director of Communications

Division: National Guard Military Headquarters/Commissioner's Office

Approved by: Commissioner Craig Campbell

Phone 465-4402

Date/Time 2/22/08 @ 2:30 pm

Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____

Bill Version: _____

HB 44

() Publish Date: _____

HB Identifier (file name): **HB44-DOR-PFD-02-25-08**
Title Information from veterans on the permanent fund dividend
application form.

Dept. Affected: Revenue
RDU Permanent Fund Dividend Division
Component Permanent Fund Dividend Division

Sponsor Guttenberg, Dahlstrom, Kertulla, etc.
Requester Military and Veterans Affairs

Component Number 981

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	24.2	0.0	8.5	8.5	8.5	8.5	8.5
Travel	0.0	0.0					
Contractual	0.0	0.0					
Supplies	5.0	0.0	5.0	5.0	5.0	5.0	5.0
Equipment	0.0	0.0					
Land & Structures	0.0	0.0					
Grants & Claims	0.0	0.0					
Miscellaneous	4.9	0.0	4.9	4.9	4.9	4.9	4.9
TOTAL OPERATING	34.1	0.0	18.4	18.4	18.4	18.4	18.4

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0					
1003 GF Match	0.0	0.0					
1004 GF	34.1	0.0	18.4	18.4	18.4	18.4	18.4
1005 GF/Program Receipts	0.0	0.0					
1037 GF/Mental Health	0.0	0.0					
1050 PFD Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	34.1	0.0	18.4	18.4	18.4	18.4	18.4

Estimate of any current year (FY2008) cost: _____

0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The division's budget does not contain funding for this addition to the PFD application.

HB 44 will require changes to PFD's paper and online applications, and their associated databases. Physical space on the paper application is tight; the question of whether the individual has ever been in the military, the instruction that answering is voluntary, and the associated questions will not fit on the same application page; these additional questions may not fit on the (two-paged) application document. Expenses projected by the agency are based on assumption that the additional language will fit on the (two-paged) application document.

Prepared by: Amy Skow, Division Manager
Division: Permanent Fund Dividend Division
Approved by: Jerry Burnett
Department of Revenue

Phone 907 465-4784
Date/Time 2/25/08 2:00 PM
Date 2/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. HB44 _____

ANALYSIS CONTINUATION

Programming and publication changes would be a one-time cost. Clerical services, supplies and miscellaneous (postage) expenditures would recur annually.

It is assumed that follow up letters and processing would occur with some incomplete answers. PFD's 2007 dividend data file indicates there were 13,000+ active duty members of the US Armed Forces in 2006. In order to estimate clerical time and expense, we have estimated that two times that number of individuals are veterans, and many active duty members will respond to the question, resulting in a rough pool of 39,000 potential information providers.

PFDD Division suggests a change in the bill: PFDD will provide the information to the Dept. of Military and Veterans Affairs automatically, at the time the on-time application file is complete. Dept. of Military and Veterans Affairs will determine which veterans service organizations in the state shall receive the information, and DMVA will distribute the information to those organizations. IF PFDD is required to determine which veterans service organizations in the state should qualify, it will incur contractual costs for Department of Law advice, at the rate of approx. \$150/hour. We believe that the Dept. of Military and Veterans Affairs would best be able to make a clean distinction on which organizations qualify as veterans service organizations.

HOUSE BILL NO. 44 (House Committee Substitute)

"An Act relating to information from veterans on the permanent fund dividend application form."

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

* **Section 1.** AS 43.23.015 is amended by adding a new subsection to read:

(j) The application form for claiming a permanent fund dividend must include a place for the applicant to voluntarily indicate that the applicant is an American veteran.

Notwithstanding AS 43.23.017, the department shall only release information provided under this subsection to the Department of Military and Veterans' Affairs of the state. The department shall not otherwise release the information. The application form must contain notice that providing the information under this subsection is voluntary.

NOTE:

Somehow, we want it made clear that the Dept of Mil and Vet Affairs is to do at least two mailings a year, to all on the list, providing every veteran who is on the list,

1. at least once a year, a copy of the Federal Department of Veterans Affairs benefits to all veterans and their families, and,
2. at least once a year a copy of the list of state benefits to veterans and their families.



Department of Veterans Affairs

Introduction

Politics continues to trump veterans' needs when it comes to funding and resource allocation at the Department of Veterans Affairs (VA). AFGE Local 3028 renews its call for mandatory funding of the VA health care system after another round of continuing resolutions and political power plays delayed the arrival of much needed funding increases for the Veterans Health Administration (VHA) as well as dollars needed to hire new claims processors at the Veterans Benefits Administration (VBA).

AFGE Local 3028 also urges increased oversight of VA spending, to ensure that the substantial increases in its FY 2008 budget are spent on veterans' needs rather than excessive management bonuses and illegal outsourcing. Other AFGE legislative priorities including improving VBA training and restoring the bargaining rights of VA's health care professionals.

VA Funding: A broken process and lack of accountability

Mandatory Funding for VA Health Care:

The lack of predictability and methodology in VA's discretionary funding process threatens to unravel the impressive accomplishments of this world-class health care system, and diminish its ability to meet the growing demands arising from two wars and an aging patient population. Medical center directors are reluctant to hire more staff or commit to repairs or new equipment purchases because the next influx of funds is so uncertain. VA health care must be funded on the mandatory side of the budget, using a systematic funding methodology based on the number of enrollees.

The current funding process exacerbates VA's recruitment and retention challenges. It is not just the veteran population that is aging, so is its health care workforce. VA will not be able to undertake meaningful succession planning, effectively address recruitment and retention problems, or engage in strategic, long range planning for other aspects of health care delivery so long as discretionary funding is creating a constant state of financial uncertainty.

If there were any doubt before the last appropriations cycle, the politics surrounding Fiscal Year 2008 VA appropriations made the case for mandatory funding crystal clear. After twelve continuing resolutions (CR) in thirteen years, appropriators were hopeful that they could pass funding increases for the VA before the start of the fiscal year 2008 on October 1st. By early September 2007, the House and Senate had passed appropriations bills with substantial funding increases by near unanimous votes. Due to more politics and a last minute White House maneuver to withhold new dollars as emergency funding, the VA had to keep running under a CR based on last year's funding levels for nearly four more months.

When it comes to veterans' health care, CRs are more than a budget category; they are the cause of harmful delays in diagnostic testing, hospital admissions, medical equipment purchases and filling vacant medical staff positions. CRs also have a dollar cost: medical center directors are forced to fill the gaps with high-priced private agency nurses, private physicians and diversion of patients to non-VA facilities. Similarly, the VA is a leader in state-of the art patient lifting equipment and a model for other health care systems, yet many of its own hospitals and nursing homes lack the funds to purchase patient lifting equipment, resulting in nurse back injuries, lost work time and workers compensation claims.

The exemplary quality of VA health care is also impacted by roller coasting discretionary funding. The VA attempts to implement laudable initiatives addressing polytrauma, suicide prevention and hospital infections, but fails to add sufficient staff to maximize their potential benefits.

Oversight of VA Spending

The significant funding increases provided to the VA in FY 2008 make it all the more urgent to curb improper spending practices that have recently come to light. AFGE also remains concerned about the growing share of VA's budget that is being diverted from direct patient care to new layers of management at hospitals and offices of the Veterans Integrated Service Networks (VISNs).

AFGE Local 3028 applauds Congress for adding quarterly reporting requirements to the VA appropriations process after billion dollar shortfalls came to light several years ago.

However, we are disappointed (though not surprised) at the limited value of the information the VA provides.

We urge Congress to strengthen oversight of spending practices that were recently the focus of government investigations, specifically:

More than two years, ago, the Government Accountability Office (GAO) found that VA had spent substantial medical dollars on privatization studies in violation of Title 38. It also found that the VA lacked the ability to track and restore the misspent dollars in order to comply with the Anti-Deficiency Act. Subsequent to that report, the VA has failed to take steps improve its tracking abilities, and instead, has engaged in more illegal contracting out.

- Last fall, the VA's Inspector General found that that the VA made false reports to Congress about patient wait times, repeatedly understating how long injured veterans waited for care.

Congress held hearings last year in response to disclosures that top and mid-level managers received very large bonuses, despite their poor track records in health care budgeting and managing disability claims. Yet, high performing employees on the front lines of health care and claims processing rarely receive bonuses, even when recruitment and retention problems exist.

AFGE has the "eyes and ears" on the ground to play a valuable role in ensuring that VA appropriations are properly spent. However, over the last seven years, the VA has shut employee representatives out of meetings and policy setting groups and has largely ignored our rights to information under the Freedom of Information Act and federal labor law.

Congressional Action Needed:

- Enact H.R. 2514, Assured Funding for Veterans Health Care Act to fund VA health care with mandatory dollars based on current need and health care costs.
- Require the VA to carry out GAO's recommendation to implement a mechanism to track all costs associated with conducting cost comparison and Business Process Reengineering studies, and provide quarterly reports to Congress on all costs associated with these studies.
- Increase oversight of the VA's bonus policies to ensure that bonuses at all levels are aligned with performance and set at equitable levels for all employees. Require regular disclosure of bonus awards to Congress and employee representatives.

Veterans Benefits Administration

Last year, with a backlog of disability claims exceeding 600,000 cases, lawmakers considered a number of proposals for major reform of the VBA claims processing system. AFGE is keeping a watchful eye on troubling proposals that may have unintended consequences, such as presumptive benefits, use of artificial intelligence to adjudicate claims and withholding work credits for VBA regional offices until all appeals are exhausted.

Rather than coming up with a quick fix, lawmakers should better utilize easier solutions that are close at hand:

Training: It takes at least two to three years for a new Veterans Service Representatives (VSR) to operate at a fully productive, independent level, and VSRs with fewer than five years of experience still need ongoing training and intense. Government investigators have linked training deficiencies to backlogs and decision inconsistencies, and found a direct correlation between the frequency of classroom instruction and payment levels. Nevertheless, managers push new employees into case production before they are fully trained or rotated between all four VBA teams, and they cut short opportunities for older employees to update their skills or confer with colleagues on new laws and best practices.

AFGE supports VBA's centralized training programs but more needs to be done to ensure that all employees receive quality and consistent training.

Production standards: In light of the growing number of claimants with multiple claims and complex Post Traumatic Stress Disorder and Traumatic Brain Injury claims, there is a greater need than ever for VBA to conduct a scientifically based time and measurement study of the claims process so that sufficient staff hours and expertise are available to process the wide range of pending claims. Currently, managers facing intense production pressures from their managers push employees to move cases that are not fully developed, or to handle cases without adequate supervision.

Skills Certification Testing: These pressures also take their toll on VSRs who are not giving adequate time to prepare for the skills certification test that allows them to be promoted to a GS-11. In addition, some trainers lack sufficient expertise on the test topics. Unfortunately, after

having an active role in designing the test, employee representatives are no longer included in certification testing discussions.

VSR Classification: VBA needs to update the career ladder for VSRs so that they have the same promotion opportunities as their peers who process claims for other federal agencies. VBA has already completed a VSR Reclassification Study but has taken no further action. VBA is facing an aging workforce nearing retirement, and high attrition among new employees. It should take immediate steps to be competitive with other agencies.

VBA rarely includes employee representatives in decisions impacting training, skills certification testing or revisions of the claims process. AFGE greatly appreciates the House VA Committee's invitations to present our views at hearings and a recent roundtable. In addition, we thank HVAC Chairman Filner for requesting a GAO investigation of VBA training. It is a loss to veterans and VBA's dedicated workforce that employee representatives were not invited to testify before either of the Dole-Shalala or Veterans' Disability Benefits Commission.

Congressional Action Needed:

- VBA should undertake meaningful workforce succession planning, and Congress should investigate the causes of high attrition and early retirements among VBA employees.
- VBA should conduct a scientific time and measurement study of the claims process, and the time and skills required to process different types of cases, for proper staffing and realistic production quotas.
- Congress should increase oversight of VBA training to ensure quality, consistency and completion of all needed training throughout regional offices. A joint VBA-stakeholder team should develop a national training plan.
- Employee representatives should be brought back in to groups setting policies for claims processing, training and performance standards.
- Rotation of VSRs through all claims processing teams should be mandatory and monitored.
- VBA should develop a cadre of effective, competent trainers with formalized training skills and adequate subject matter expertise.

Decision Review Officer

The Alaska VA Regional Office is without these vital VBA staff personnel on site. The responsibility of this function is "outsourced" to the VBA Regional Office in Salt Lake City, Utah. This process puts Alaska veterans at a disadvantage for not having the ability to have a determination on their appeal claims being provided locally and/or deprives Alaska veterans the possibility of having a direct face-to-face appeal hearing.

The DRO program was first pilot tested in 1997, with permanent implementation in 2000. From 1997 until the present time, a number of things have changed with the DRO position, notably the introduction of the post-decision review process, as codified in 38 CFR 3.2600, and the creation of the Claims Process Improvement (CPI) structure. This white paper clarifies the:

- Role of the DRO in the appeal process;
- De novo review expectations;
- Functions of the DRO.

Who is The Decision Review Officer?

The DRO is a valuable VA resource. An individual in this position should possess expert knowledge and well-developed skills and abilities regarding all Compensation and Pension program operations. The DRO should also have strong interpersonal and oral communication skills, and use these skills in working with veterans and their representatives. The position itself describes an individual, not necessarily the actual job duties which are involved. While DROs are typically synonymous with appeals, the DRO may also work in other environments, namely a Rating Team, where they fulfill second signature review, training, mentoring and other needs of the Service Center.

The Appeal Process

There is only one function in the appeal process *requiring* involvement of the DRO:

- If an appellant elects a post decision review, the DRO must provide a de novo review and new decision.

All other functions of the appeals process can be accomplished by any knowledgeable, experienced RVSR (Rating Veterans Service Representative), or in the case of authorization issues, a SVSR (Senior Veterans Service Representative - Super Senior GS-12), Sr. VCE (Senior Veterans Claims Examiner GS-11) or VSR. What sets the DRO apart is the special review authority and his or her expert job knowledge.

Nothing precludes the DRO from working any other component of the appeal process, however such utilization is determined by Service Center Management based on the needs of the Regional Office (RO).

Post Decision Review Process and the De Novo Review

The post decision review process is designed to be an optional appeal route, which kicks in at the beginning of the appeal at the notice of disagreement (NOD) stage. If elected by the appellant, the DRO is required to take a fresh look at the same evidence and provide a new decision. The "review" in de novo review ultimately requires an actual new decision. It does not mean that a complete file review is required, but rather a complete review of the pertinent evidence and information used in the decision in disagreement, accompanied by a new decision.

The new decision can be in many forms, depending upon the outcome of the DROs assessment. The result may be a new rating granting the benefit sought, a Statement of the Case (SOC) giving the reasons for the continued denial of benefits, or a combination of decisions or documents somewhere in between. In all cases, however, the decision must be "new."

The special review authority allows for a de novo review *only* when a timely NOD has been submitted *and* the claimant has timely elected the post decision review process. This fresh look at the same evidence can be used only once.

While the DRO also has the option to develop for additional evidence, any decision based on new evidence requested as part of the de novo review fulfills the requirement for a new decision. The DRO also conducts formal hearings, as requested.

Functions of the DRO

The primary function of a DRO working on an Appeal Team is appeal resolution. The DRO is tasked with getting involved early in the disagreement, contacting the appellant and/or their representative, preferably in person or by phone, to clarify any issues, engage in frank discussions about possible resolutions while providing an honest and realistic assessment to the veteran.

Extensive development should not be a hallmark of appeals resolution. This would tend to indicate less than complete development in the initial rating which led to the disagreement.

The DRO needs to provide a realistic assessment of the appeal to the veteran. Prolonged development which affords no value to the process or any hope of changing the decision should be avoided. Once the DRO has insured that the necessary claims development is complete and has exhausted all plausible avenues of resolution, the appeal simply needs to be moved forward to the next stage and ultimately to the Board of Veterans Appeals (BVA) to ensure that the veteran is afforded timely appellate review.

Other duties which are tasked to the DRO include providing feedback to RVSRs on appeal cases, providing feedback to local management about trends, training needs and overall quality, and training and mentoring other employees. It is anticipated that a number of these duties will be handled by DROs working in a Rating Team.

Other Appeal Issues

There are no provisions in the regulations or the manual which require the DRO to keep jurisdiction of an appeal after they have conducted the de novo review and made a decision. Some ROs may find it helpful to limit DRO jurisdiction after an initial appeal decision has been made, such as a new decision granting a benefit or an SOC, and subsequently hand this work over to RVSRs assigned to the Appeals Team. The DRO would then focus their efforts on continued upfront resolutions, where their skills provide the most value in the appellate process.

Additionally, while the DRO is a designated authorizing official for certification of cases to the Board of Veterans Appeals, the DRO is not the only employee who can certify cases. The Service Center Manager has broad discretionary authority to designate other employees well versed in the appellate process, such as senior RVSRs and Appeals Team Coaches, to these duties.

Alternate Resolution

A DRO is empowered to call clear and unmistakable error, with single signature authority, on any case under appeal, subject to the provisions of 38 CFR 3.105(a). An election of the post-decision review process is not required.

Direct communication and conferencing with the veteran and their representative is not an exclusive feature of the post decision review process. The DRO, RVSR, SVSR, Sr. VCE or VSR can and should contact an appellant when there is reason to believe that some measure of appeal resolution can be achieved.

Informal Conferences

As defined by M21-1 Part IV, Chapter 35, an informal conference can be any form of communication directly between the DRO and the appellant and or his representative, provided it is documented properly. One of the features of this process is to make these discussions more informal and start a dialogue about the appeal, addressing the specific contentions and attempting to focus the appeal, providing explanatory information and determining if other evidence exists which would support the issue on appeal. DROs are expected to make judicious use of informal conferences to resolve appeals, or minimally, to achieve efficient, expedient appellate review.

The key difference between an informal conference as a procedural tool, and other forms of direct communication is that an informal conference requires a course of agreed upon action. While the actual course of action is not prescribed and contingent on the nature of the discussions, other forms of direct communication are open ended, dependent wholly on the facts of the case and any new information developed or conveyed in the course of discussions.

Congressional Action Needed:

- Congress should mandate that the State of Alaska has the required FTEE for the DRO position physically located in Alaska.

ALASKA STATE LEGISLATURE

Sponsor



Statement

SESSION:
Alaska State Capitol, Room 418
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(907) 465-4457 Office
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Representative David Guttenberg

House Bill 44 – Veteran Info on PFD Application

HB 44 adds the question to the Permanent Fund Dividend application: Are you an American military veteran? By offering veterans the option to identify themselves as veterans on the PFD application, as well as their military branch and dates of service, we will be better able to find and engage our veterans and their families in helping them secure their legal rights to programs and benefits they have earned under federal and state laws.

With 74,500 veterans (2005 US Census) and about 35,000 active duty, National Guard, and Reserves across our state, Alaska has the highest veteran's population per capita in the nation. HB 44 seeks to enable the State of Alaska and Alaskan-based Veteran Service Organizations to better inform these veterans of changes in programs or policies that affect them and their families.

It is in the best interest of Alaska to ensure that all resident veterans receive the federal benefits they have earned from the Veterans Administration, the Department of Defense, and other agencies. The retirement checks and/or benefits of Alaska veterans represent over a billion dollars to our economy every year, yet only one in five veterans receive benefits. If we were to double the number of veterans receiving benefits, we could create a significant economic impact in communities throughout the state.

As a result of federal and state privacy laws, it has become almost impossible to find and connect with our veterans. It is clearly in the State's best interest to ensure all veterans are informed of their rights to VA healthcare, burial rights, disability compensation, survivor benefits, housing loans, spousal assistance, college assistance, and vocational assistance. HB 44 attempts to reach these veterans who, for whatever reason, are not currently receiving the benefits they have earned or may be unaware of changes in the status of these programs.

Only the state and congressionally chartered and state approved Veteran Service Organizations will have access to this register for the purposes of contacting and informing our resident veterans of their legal rights and benefits they have earned.

I urge you to support this legislation.

Representative.David.Guttenberg@legis.state.ak.us
<http://guttenberg.akdemocrats.org>

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 29, 2008

SUBJECT: Information from veterans on PFD forms; sectional summary of
HB 44 (Work Order No. 25-LS0229\A)

TO: Representative David Guttenberg
Attn: Jeff Stepp

FROM: Tamara Brandt Cook
Director *TBC*

Section 1. The permanent fund dividend application form is required to include a place to voluntarily indicate that the applicant is a veteran, branch of service, and dates of service. The Department of Revenue is required to release the information only to the Department of Military and Veterans' Affairs and, if requested, to veterans service organizations.

TBC:med
08-059.med

ALASKA VETERANS POLITICAL ACTION COMMITTEE

(AK VET PAC) 2/20/08

Vietnam Veterans of America/Alaska Veterans of Modern Warfare/Alaska Military Order of the Purple Heart/Anch Alaska Veterans Foundation, Inc. Alaska Veterans Business Alliance

The purpose/function of this newsletter is to let you know who in Juneau and Washington, DC are supporting veterans by their actions and not just more talk. It will also help you keep up with legislation or executive actions of interest to veterans in Alaska and assist you in participating in them.

HB44 – FINDING ALASKA'S VETERANS

Originally introduced as HB44 by Rep Guttenberg, Dahlstrom, Kerttula, and Lynn in January 2007, it remains in the House Special Committee on Military and veterans' Affairs pending a hearing. We have been working with a number of interested parties on any concerns and have address all informed questions on ensuring the lists protection with some new language. We have asked that this critical legislation be rewritten to address the lists confidentiality concerns.

The PFD application is the only instrument that can provide this *voluntary* information annually and does no harm to the PFD process while providing significant help to likely thousands of Alaskan veterans and their families. We have not found any other means to accomplish this goal, and the return on this small effort will be in the tens of millions of dollars a year to our veterans and their families. The bill number will be announced with its reintroduction.

Alaska has just less than 80,000 veterans (2000 US Census 74,500), the highest per capita in the nation. But given new federal and state privacy laws, we are no longer able to find our veterans using driver's licenses and agency lists. We found a way to do this voluntarily with the cooperation of the Permanent Fund Board.

Why is it important to find our veterans and their families? Hundreds of millions of dollars in direct payments and services to our veterans and their families await their request. Currently, the Veterans Administration in Alaska serves less than 20% of our veterans, yet this and other programs, generate over a **billion dollars** in revenue to Alaska annually. By providing our veterans and their families the annual booklet of VA services and a listing of Alaska services, we can directly improve the lives of thousands of Alaskan veterans and their families. **These are rights and services earned by service and sacrifice, not welfare.**

If you consider that every veteran has at least two family members in Alaska, this single group represents at least one third of our state's population.

Very simply, the PFD Application asks, "Are you an American veteran?" This is a voluntary question that in no way affects the dividend itself. Annually collected from all Alaskans, this information would be provided via a simple computer program to the Alaska Department of Military and Veterans Affairs so that they can mail out state/federal veteran benefits booklets and information. Any Alaskan veteran who wishes to avail themselves of these services would do so through the regular processes of the Veterans Administration or other federal or state agency showing they meet the requirements of that program.

This weekly update is provided as a free service to all veterans and their families who may be concerned with state and federal legislation that may impact their lives. If you discover any errors or omissions, please contact Ric Davidge and inform him of such. Email: ricdavidge.ak@gci.net office (907) 222-6927 fax (907) 222-6933

LEGISLATIVE RESEARCH REPORT

FEBRUARY 8, 2008



REPORT NUMBER 08.154

ACTIVE MILITARY PERSONNEL AND VETERANS IN ALASKA

PREPARED FOR REPRESENTATIVE DAVID GUTTENBERG

BY PATRICIA YOUNG, MANAGER

You asked for information on the current military population and the number of veterans in Alaska. Specifically, you wished to know the number of active duty military personnel and the numbers of National Guard and Reserve forces currently in the state. You also wished to know the number of veterans in Alaska and how Alaska compares to other states in regard to the percent of the population who are veterans.

The Alaska Department of Military and Veterans Affairs provided the following data on active, Guard, and Reserve forces in the state as of December 31, 2007.

Active Military Population in Alaska (December 31, 2007)		
Active Forces	Army	11,402
	Navy	27
	Air Force	8,000
	Marines	22
	Coast Guard	2,116
Total Active Forces		21,567
National Guard and Reserves	Army National Guard	1,972
	Air National Guard	1,920
	Army Reserves	399
	Air Force Reserves	164
	Navy Reserves	78
	Marine Reserves	46
Total Guard and Reserves		4,579
Canadian Forces		30
Total Military Population in Alaska		26,176
SOURCE: Alaska Command (US Department of Defense and Alaska Department of Military and Veterans Affairs).		

The U.S Department of Veterans Affairs (VA)—using data from the VA, from the Department of Defense (DoD), and from the Bureau of the Census—provides official estimates and projections of the veteran population using a specifically designed model (VetPop2007) that is updated periodically for improved methodology, more recent data, and changing needs. Each year, the model generates the estimated number of veterans by certain selected characteristics at the state and national levels. According to the VA model, as of September 30, 2007, the number of veterans in Alaska was 74,557.

In order to arrive at an estimate of the percent of the Alaska population represented by veterans, and to compare that with the percentage in other states, we combined the VA model estimates of state veteran populations with Census Bureau estimates of state populations as of July 1, 2007. Using those figures, we calculate that veterans currently make up approximately 11 percent of the total Alaska population. Veterans make up more than ten percent of the overall population in only six states, with similar percentages in Maine, Alaska, and Montana, followed closely by percentages in Wyoming, Virginia, and New Hampshire.

Looking at the portion of the population that is 18 years or over, however, may provide a more realistic picture of how veterans fit into state demographics. Because the most current available estimates of population by age group are for July 1, 2006, we paired those data with VA model estimates for September 30, 2006. Using these data, we calculate that in 2006, veterans made up 15 percent of the adult population of Alaska, the highest percentage in the nation.¹

We hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

¹ Montana and Wyoming followed Alaska, with 14.4 percent and 14.2 percent, respectively.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

() Publish Date:

HB 44 (H) MLV

Identifier (file name):

HB44-DMVA-NGMHQ-2-22-08

Title

An Act relating to information from veterans on the permanent fund dividend application form

Dept. Affected:

DMVA

RDU

Military and Veterans Affairs

Component

NGMHQ

Sponsor

Rep. Guttenberg, Dahlstrom, Kertula, Lynn, Fairclough, Kawasaki

Requester

House Special Comm on MVA, State Affairs

Component Number

2135

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
-------------------------------	--	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

No expected fiscal impact to the Department of Military and Veterans Affairs.

Prepared by: McHugh Pierre, Legislative Liaison/Director of Communications

Division: National Guard Military Headquarters/Commissioner's Office

Approved by: Commissioner Craig Campbell

Phone 465-4402

Date/Time 2/22/08 @ 2:30 pm

Date 2/22/2008

SCOMM

149:2

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 16, 2007

FURTHER REFERRALS: State Affairs
Finance

Date of Committee Action: February 22, 2007

The HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS considered: HB 45

HOUSE BILL NO. 45

STATE VETERANS' CEMETERY & FUND

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

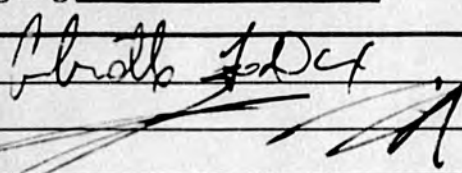
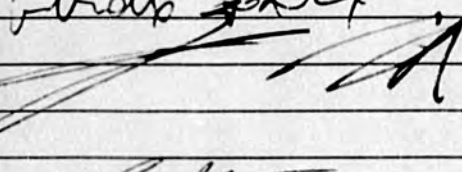
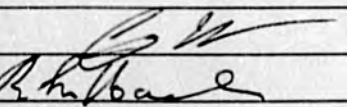
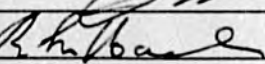
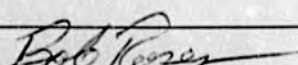
Recommends it be replaced with ☐ HCS or ☒ CS for HB 45 (MLV)
For Senate Bills with new title: ☐ Technical Title ☐ New Title: HCR ☒ Same Title ☐ New Title

- ☐ 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

<u>NEW FISCAL NOTES</u> *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
MVA			X	
ADM				X
ADM / DMV				X

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>		Printed Last Name	DP	DNP	NR	AM
		L. DOUX	X			
		KAWASAKI	X			
		RAMRAS	X			
		Buck	X			
Chair: 		Rosen	X			
Chair:						

ALASKA STATE HOUSE OF REPRESENTATIVES

Committee Memberships:

Military Veterans' Affairs - Chair
State Affairs - Vice Chair
Health, Education, & Social Services - Vice Chair
House Resources Committee
Joint Armed Services Committee
Select Committee on Legislative Ethics
Special Committee on Ways and Means



Capitol Bldg Room 416

Josh Applebee, Chief of Staff
Crystal Novotney, Legislative Assist.
Tim Martinson, Legislative Aide
Phone (907) 465-4939
Fax (907) 465-2418

Representative Bob Roses

Fax

To: Legislative Legal

From: Josh Applebee

Fax: 2029

Pages: 2

Phone: 2450

Date: 2/22/2007

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

Please see attached amendment to HB 45. The Military & Veterans' Affairs committee adopted it (Number 25LS0230\A.1).

Please make these changes and provide a final to Room 416, attn: Josh Applebee.

Thank you in advance!

Josh Applebee

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 45

1 Page 2, following line 2:

2 Insert a new bill section to read:

3 **"* Sec. 2.** AS 37.05.146(c) is amended by adding a new paragraph to read:

4 (82) gifts, donations, and grants received by the Department of
5 Military and Veterans' Affairs for the purpose of establishing and maintaining Alaska
6 veterans' cemeteries under AS 26.10.030 and AS 44.35.035(b)."
7

8 Renumber the following bill sections accordingly.
9

10 Page 2, line 8:

11 Delete "2007"

12 Insert "2008"

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB45-DMVA-VS-2-9-07
 Bill Version: HB45 (H) MLV
 () Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Military & Veterans Affairs

Title State Veterans Cemetery and Fund

RDU Military and Veterans Affairs

Component Veterans Services

Sponsor Representatives Guttenberg, Doll, and Lynn

Requester Military & Veterans Affairs

Component No. 421

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	*	*	*	*	*	*
Travel	*	*	*	*	*	*
Contractual	*	*	*	*	*	*
Supplies	*	*	*	*	*	*
Equipment	*	*	*	*	*	*
Land & Structures	*	*	*	*	*	*
Grants & Claims	*	*	*	*	*	*
Miscellaneous	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time	*	*	*	*	*	*
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

At this time, the Department is unable to determine the fiscal impact for construction, operation, and maintenance of Veterans' Cemeteries.

Prepared by: Mr. John Cramer, Acting Deputy Commissioner

Phone (907) 465-4602

Division Commissioner's Office

Date/Time 2/9/07 10:05 AM

Approved by: General Craig Campbell, Commissioner

Date 2/9/2007

Agency Department of Military and Veterans Affairs

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB045-DOA-DOF-2-9-07
Bill Version: HB045
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act establishing the Alaska veterans' cemetery RDU Centralized Admin Services
fund in the general fund. Component Finance
Sponsor Representatives Guttenberg, Doll & Lynn
Requester _____ Component No. 59

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Establishing funds created by legislation such as this is in the normal course of business for the Division of Finance. This bill should have no fiscal impact on the agency.

Prepared by: Kim Garner & Lisa Pusich
Division: Finance
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone 465-2200
Date/Time 2/9/07 12:30 PM
Date 2/9/2007

FISCAL NOTE

STATE OF ALASKA 2007 LEGISLATIVE SESSION

Fiscal Note Number: HB045-DOA-DMV-2-10-07
Bill Version: HB 45
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title "An Act authorizing the DMVA to establish and RDU Division of Motor Vehicles
maintain Alaska veterans' cemeteries;" Component Motor Vehicles
Sponsor Rep. Guttenberg
Requester (H) MLV Component No. 2348

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill does not impact the Division of Motor Vehicles, however revenue derived from the sale of the "Commemorative Veteran's License Plate" may be used for funding of the Alaska veterans cemetery.

Prepared by: Duane Bannock, director
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone 465-2200
Date/Time 2/10/2007 11:00am
Date 2/12/2007

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 45

1 Page 2, following line 2:

2 Insert a new bill section to read:

3 **"* Sec. 2.** AS 37.05.146(c) is amended by adding a new paragraph to read:

4 (82) gifts, donations, and grants received by the Department of
5 Military and Veterans' Affairs for the purpose of establishing and maintaining Alaska
6 veterans' cemeteries under AS 26.10.030 and AS 44.35.035(b)."

7

8 Renumber the following bill sections accordingly.

9

10 Page 2, line 8:

11 Delete "2007"

12 Insert "2008"



February 11, 2007

The Honorable Bob Roses, Chair
Military and Veterans' Affairs Committee
Alaska Capitol, Room 416
Juneau, AK 99801-1182

RE: HB 45 (Guttenberg and Doll)--Support

Dear Chair Roses:

On behalf of the members of AARP in Alaska, we urge you and your colleagues on the House Military and Veterans' Affairs Committee to support HB 45, authored by Representatives David Guttenberg and Andrea Doll and co-sponsored by Representative Bob Lynn.

HB 45 would establish a new veterans' cemetery in the Interior. As you know, the closest military cemetery is in Anchorage yet the Fairbanks area alone has over 11,000 veterans, many of whom are AARP members.

Burial in a veterans' cemetery is one of the last honors we can offer our fellow citizens who have served in the Armed Forces. We think it is a well-deserved tribute to these men and women who served our country and a veterans' cemetery in the Interior simply makes sense. It is a proper thank you to the veterans and their families.

Undoubtedly there may be some costs associated with a new cemetery. Our veterans didn't weigh the costs when they joined the armed services. Surely we can bear the costs of this final thank-you to them.

AARP recommends an "AYE" vote on HB 45.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Representative Nancy Dahlstrom
Representative Gabrielle LeDoux
Representative Anna Fairclough
Representative Jay Ramras
Representative Bob Buch
Representative Mike Kerttula
Representative David Guttenberg
Representative Andrea Doll

ALASKA STATE LEGISLATURE

Sponsor



Statement

SESSION:
Alaska State Capitol, Room 418
Juneau, AK 99801
(907) 465-4457 Office
(907) 465-3519 Fax
(800) 928-4457 Toll Free

INTERIM:
1292 Sadler Way, Suite 304
Fairbanks, AK 99701
Office (907) 456-8172
Fax (907) 456-2490

Representative David Guttenberg

House Bill 45 - State Veterans' Cemetery

All Alaska veterans deserve access to a military cemetery that honors their service and recognizes their sacrifices while serving our country, usually under challenging conditions, and frequently in harm's way.

On a per capita basis, Alaska has more residents in active military service or who are veterans than all but one other state. According to the U.S. Department of Veterans Affairs (VA), a total of 9,469 veterans reside in the Fairbanks North Star Borough.

The VA's long-term goal is to provide an operational veterans' cemetery within 75 miles of 90 percent of the veterans in the country. The nearest veterans' cemetery to Fairbanks is Fort Richardson National Cemetery, located 350 miles away in Anchorage. By the VA's own estimation, a facility in Fairbanks would greatly increase the number of veterans served by a veterans' cemetery.

Interior Alaska's veterans deserve a cemetery located in the Interior of the state. A state veterans' cemetery in the Interior would better serve the needs of veterans and their families, and provide a final resting place that is centrally located, honorable, and well maintained. An Interior veterans' cemetery will help families avoid the pain of burying a loved one far from home.

HB 45 seeks to establish 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, including uniformed pallbearers, rifle team, and ceremonial folding and presentation of the United States flag.

HB 45 authorizes the Alaska Department of Military and Veterans' Affairs to establish and maintain a state veterans' cemetery with funds from the U.S. Department of Veterans Affairs, State Cemetery Grants Program. Through this program, the Alaska Department of Military and Veterans' Affairs may be awarded up to 100% of allowable costs for design, construction, and operating equipment for an approved project. To date, the VA has awarded 152 grants totaling more than \$264 million to establish, expand, or improve 65 veterans' cemeteries in 35 states, Guam and Northern Mariana Islands. There are now 65 operational cemeteries and four more under construction.

I urge you to support this legislation.

Representative.David.Guttenberg@legis.state.ak.us
<http://guttenberg.akdemocrats.org>

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 45

1 Page 2, following line 2:

2 Insert a new bill section to read:

3 "* Sec. 2. AS 37.05.146(c) is amended by adding a new paragraph to read:

4 (82) gifts, donations, and grants received by the Department of
5 Military and Veterans' Affairs for the purpose of establishing and maintaining Alaska
6 veterans' cemeteries under AS 26.10.030 and AS 44.35.035(b)."
7

8 Renumber the following bill sections accordingly.
9

10 Page 2, line 8:

11 Delete "2007"

12 Insert "2008"

1 be appropriated by the legislature to the Alaska veterans' cemetery fund created
 2 under AS 37.05.590 and for the support of programs benefiting Alaska veterans.

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

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

7 (b) Beginning with the appropriations for the fiscal year beginning July 1,
 8 2007, on an annual basis and under AS 37.07 (Executive Budget Act), the legislature
 9 may appropriate amounts from the Alaska veterans' cemetery fund to the Department
 10 of Military and Veterans' Affairs for the construction, operation, and maintenance of
 11 the Alaska veterans' cemeteries established under AS 44.35.035.

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

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

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

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

21 **Sec. 44.35.035. Alaska veterans' cemeteries.** (a) The department may
 22 establish and maintain Alaska veterans' cemeteries in the state to serve state veterans
 23 and spouses and eligible dependents of state veterans.

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

28 (c) The department shall, in consultation with the Alaska Veterans' Advisory
 29 Council,

30 (1) adopt regulations for determining individuals eligible for burial in
 31 an 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 Alaska veterans'
10 cemeteries;

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

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

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

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

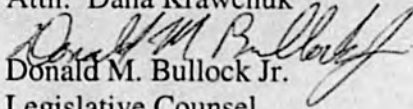
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 31, 2007

SUBJECT: Sectional summary of HB 45 (Work Order No. 25-LS0230A)

TO: Representative David Guttenberg
Attn: Dana Krawchuk

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Allows the legislature to appropriate a portion of the money received for special request plates commemorating Alaska veterans to the Alaska veterans' cemetery fund created in sec. 2 of the bill.

Section 2. Creates the Alaska veterans' cemetery fund in the general fund; the fund is not exempt from the requirements of AS 37.07 (Executive Budget Act) and money in the fund is not dedicated for a specific purpose. Provides that the legislature may appropriate amounts from the fund to the Department of Military and Veterans' Affairs for the construction, operation, and maintenance of veterans' cemeteries established under sec. 3 of the bill. Appropriations to the veterans' cemetery fund do not lapse under AS 37.25.010, and the unexpended and unobligated balance of an appropriation from the fund lapses back into the fund.

Section 3. Authorizes the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries in the state. Allows the department to accept gifts, donations, and grants for the purpose of establishing and maintaining the cemeteries; land received by the department is owned by the state. Requires the department to consult with the Alaska Veterans' Advisory Council for adopting regulations for determining eligibility for burial in a state veterans' cemetery, receive the plot or interment allowance on behalf of the state, comply with all requirements for a state veterans' cemetery grant established by the United States Department of Veterans' Affairs, and apply for state veterans' cemetery grants from the United States Department of Veterans' Affairs. Authorizes the Department of Military and Veterans' Affairs to adopt regulations, enter

Representative David Guttenberg
January 31, 2007
Page 2

into agreements for the operation of veterans' cemeteries, and solicit gifts, donations, and grants in addition to grants from the United States Department of Veterans' Affairs.

DMB:med
07-058.med

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	50% will choose 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.



BURIAL & MEMORIALS

State Cemetery Grants Program - General Information

The Department of Veterans Affairs (VA) State Cemetery Grants Program was established in 1978 to complement VA's National Cemetery Administration.

The program assists states

in providing gravesites for veterans in those areas where VA's national cemeteries cannot fully satisfy their burial needs.

Grants may be used only for the purpose of establishing, expanding or improving veterans cemeteries that are owned and operated by a state or U.S. territory. Aid can be granted only to states or U.S. territories. VA cannot provide grants to private organizations, counties, cities or other government agencies.

VA can now provide up to 100 percent of the development cost for an approved project. For establishment of new cemeteries, VA can provide for operating equipment. VA does not provide for acquisition of land. The value of the land cannot be considered as an "allowable cost" under the grant. States are solely responsible for acquisition of the necessary land. Any state ceasing to own or operate a cemetery established, expanded or improved through the use of grant funds, or using the funds for any other purpose than for which the grant was made will be liable for the total refund of all grants made for that cemetery. Federal funds can also be suspended or withdrawn for noncompliance with the terms and conditions of the grant.



Massachusetts State Veterans Cemetery Agawam

Cemeteries established under the grant program must conform to the standards and guidelines pertaining to site selection, planning and construction prescribed by VA. Cemeteries must be operated solely for the burial of service members who die on active duty, veterans, and their eligible spouses and dependent children. Any cemetery assisted by a VA grant must be maintained and operated according to the operational standards and measures of the National Cemetery Administration.

The administration, operation and maintenance of a VA-supported state cemetery is solely the responsibility of the state. The Secretary of Veterans Affairs is authorized to pay a plot or interment allowance (not to exceed \$300) to a state for expenses incurred by the state in the burial of eligible veterans in a cemetery owned and operated by the state if the burial is performed at no cost to the veteran's next-of-kin. This benefit is administered by the Veterans Benefits Administration (VBA) and the state must apply to VBA to receive it.

VA has awarded 152 grants totaling more than \$264 million to establish, expand or improve 65 veterans cemeteries in 35 states, Guam and Northern Mariana Islands.

There are 65 operational cemeteries and four more under construction.

A [list of state veterans cemeteries](#) is available.

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Reviewed/Updated Date: January 8, 2007



UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

BURIAL & MEMORIALS

Establishing a State Veterans Cemetery

Determine Need

Analyze existing service provided by national cemeteries and other state cemeteries. Consider service life of existing cemeteries. Provide data on veteran population, including age.

Investigate Availability of Suitable Land

Suitable land should be easily accessed by road, free of limitations such as rock, steep slopes and wetlands, uncompromised by incompatible land uses near by, and appropriate for cemetery use. Land already owned by the state, county or municipality is usually the best choice. The state must have title to the land.

Assess Impacts

Analyze possible negative environmental and historic preservation impacts the cemetery location may have. Can such limitations be overcome?

Encourage Support

Veterans service organizations should be informed of the project and be in support of an effort to establish a state veterans cemetery. Local governments should also be supportive. Ultimately, the state legislature must pass necessary legislation authorizing the state cemetery and appropriating funds for establishment and operation.

Complete Application

Apply to the Department of Veterans Affairs for federal assistance with a grant for establishing a state veterans cemetery. For forms and other guidance, see [OMB Grants Management](#) and the [Catalog of Federal Domestic Assistance](#).

[Español](#) | [VA Forms](#) | [Facilities Locator](#) | [Contact the VA](#) | [Frequently Asked Questions \(FAQs\)](#)
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Reviewed/Updated Date: September 13, 2006



UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

BURIAL & MEMORIALS

State Grants Planning Model Overview

[Veterans Shrine Commitment](#)

[General Program Requirements](#)

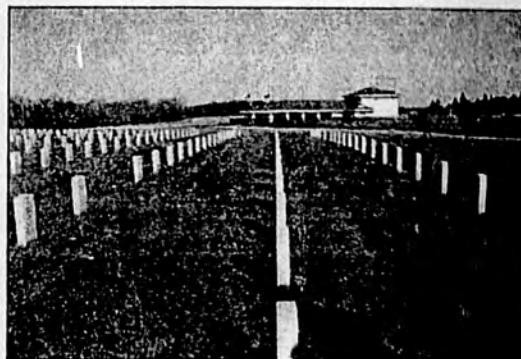
[Project Design Requirements](#)

[Site Considerations - Site Selection
Standards for a State Cemetery](#)

[Site Description and Site Analysis](#)

[Planning Process for Establishing State
Cemeteries](#)

[Phasing](#)



Veterans Shrine Commitment

The appearance of state veterans cemeteries demonstrates to America's veterans that the nation appreciates their selfless service and the sacrifices they have made. Elevating the appearance of the cemeteries to shrine status signals the commitment to maintain our veterans' cemeteries at the highest standards forever. State veterans cemeteries help foster patriotism and preserve the nation's history.

Each visitor should depart feeling that the grounds, the gravesites and the environs of the state cemetery are a beautiful and awe-inspiring tribute to those who gave much to preserve the nation's freedom and way of life.

Each state cemetery exists as a veterans shrine and serves as an expression of the appreciation and respect of a grateful state and nation for the service and sacrifice of its veterans. Each cemetery provides an enduring memorial to their sacrifice as well as a dignified and respectful setting for their final rest.

To satisfy this requirement, pre-applications should include a written assurance that the state will maintain the cemetery according to VA National Cemetery Administration standards as established in 38 CFR Section 39.6(4).

General Program Requirements

In general, state cemetery projects should be built to create a sense of visual continuity with the site and reflect the tradition and heritage of the area. Cemetery buildings should not be isolated, preeminent elements of the cemetery. Buildings should blend with the site design and may be contemporary, single-story architectural structures found in the project region, or transitional, with a style reminiscent of historic state architecture. All buildings should be designed to reflect permanence and durability with minimum maintenance required. The overall design should consider human scale and privacy for visitors. A consistent architectural expression shall be maintained throughout the cemetery.

Cemetery master plans should be laid out in a looped circulation configuration. Loop configurations include roads that separate vehicular, pedestrian and maintenance traffic. Loop configurations also help define memorial areas but roads should not be used as boundaries to circumscribe the burial areas. The design should establish a strong sense of entry into the cemetery and create an interesting and dramatic sequence of spaces.

The development plan should be divided into phases, each consisting of an area approximating the burial need over a 10-year period. Construction of burial areas in latter phases should be programmed to be completed two years before actual need. This lead-time allows for the continuity of interment service.

Prior to construction, the site chosen should be evaluated for environmental impact and issues. Projects are required to support a FONSI (Finding of No Significant Impact) indicating the project will not have an undue negative impact on the environment.

In general, cemetery plans should avoid lakes, greenhouses and bridges. Chapel buildings, whether freestanding or part of another structure, are not allowed under 38 CFR (Code of Federal Regulations) Part 39. The cost to build and maintain cemetery features of this nature is not supported by the State Cemetery Grants Program. Additionally, per the CFR, the grants program does not fund cemetery land costs or offsite utilities. Some current state cemeteries received land donations for their project.

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Project Design Requirements

The following is a list of the reference documents required for the design of the project.

- 38 CFR (Code of Federal Regulations), Part 39
- [Your State](#) Contract Requirements (A/E, Construction)
- State Cemetery Grants Program - Grant Information Kit July 2001
- A/E Submission Requirements; PG-18-15 Volume D June 1999

All cemetery designs must conform to all state and local codes and requirements.

Site Considerations

Site Selection Standards for a State Cemetery:

- **Proximity** - Locate the site as close as possible to the most densely populated location in the area under consideration. Not only actual distance, but travel time to the site must be considered.
- **Size** - Site acreage is sufficient to provide at least 20-40 years of gravesites based on state projected burial rate. More acreage is encouraged. The acreage required will depend on the burial method, gravesite yield, projected burial rates based on the state's estimated needs for at least 20 years, and the project site's proximity to other national and state cemeteries.
- **Shape** - Uniform boundaries, undivided by roads or easements, with generally square or rectangular shapes are desired. Irregularly shaped sites are more difficult to access and less efficient to design and develop.
- **Accessibility** - Site accessible by highway. Public transportation service is desirable but not required. Road quality of access streets should also be considered.

- **Utilities & Water** - Availability of public utilities (electricity, water, sewer, gas) is important. However, on-site septic systems and on-site potable water wells or ponds are acceptable. An adequate water supply for irrigation is of primary importance. Consider the availability of on-site or off-site recyclable water. The grant program does not fund off-site improvements such as water line extensions.
- **Surrounding Land Use** - Surrounding land should be free from noise or adverse environmental impact(s) (nuisance, landfills or hazardous waste sites). Consider the attractiveness and compatibility of adjacent land. Sites adjacent to visually objectionable, loud noise, high traffic, or other nuisance elements should be avoided. Both current and future projected land use are considered.
- **Soils** - Soils should be of a quality which will provide adequate topsoil for growing turf. The soil should have adequate stability for constructing roads and buildings and should be free from shallow-depth groundwater. The water table must be lower than the maximum proposed depth of burial. There should be no sub-surface obstructions or hazardous waste present. Site soil information is available through the Natural Resources Conservation Service, United States Department of Agriculture (www.nrcs.usda.gov).
- **Topography** - Land should be relatively level to rolling terrain for areas to be developed. The grade of the site should be in the two to ten percent range. There should be sufficient slope to enable proper drainage of the site. Ravines, wetlands, lakes, streams, floodplains and sinkholes cannot be developed. If hilly land is used, access must not be cost prohibitive.
- **Aesthetics** - Existing site amenities such as pleasant views and quality vegetative cover are favorable.
- **Restrictions to Development** - The presence of elements such as cultural/historic/archaeological elements, utility easements, rights-of-way or mineral rights can hamper or legally prevent development. Presence of endangered species limits land development. Potential flood hazards must be avoided.
- **Site Suitability and Acceptability** - Consider the following tests and items to determine site suitability and acceptability: 1) Soil Borings and Test Pits, Perk Test (Septic Field Requirements), Soil Sample Analysis; 2) Well, Aquifer Level, Underground Water Quality Testing; 3) Historic and Archaeological Land Use Review; 4) Cultural Resources; 5) Flood Plains, Wetlands, and Endangered Species; 6) Land Use and Public Access; 7) Utilities; 8) Hazardous Waste; 9) Corrective Action Agreement.

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Site Description and Site Analysis

Per 38 CFR 39.8, the plan for a state cemetery requires a description of the site and its various elements. The description should explain specific development of the site, design concepts and include space and area requirements (space outline) for support facilities. The description should also include: proposed and existing burial acreage; available gravesites; total acreage and gravesites upon completion of the project; and the projected annual interment rates. (If the cemetery is to be developed in phases, each phase will be handled as a separate project.)

As part of the site selection process, NCA may provide states with demographic data from the *Future Burial Needs* report. This information will assist states in locating state veterans cemeteries in the most advantageous sites. Through its technical assistance program, NCA will assist State Directors of Veterans Affairs in answering related questions from other state officials.

Cemeteries established under the grant program must conform to VA-prescribed standards and guidelines for site selection, planning and construction. Cemeteries must be operated solely for the interment of service members who die on active duty, eligible veterans and their spouses and minor children. The administration, operation and maintenance of a VA-supported state cemetery are solely the responsibility of the state. VA is authorized to pay a "plot allowance" of \$300 to a state for expenses incurred in the burial of an eligible veteran.

Planning Process for Establishing State Cemeteries

Using the Site Selection Standards listed above, states should identify several potential sites. Sites should be assessed for overall site potential, proximity to veterans in the state, topographical features, available acreage and the surrounding land use. Once the number of sites has been narrowed to the most favorable locations, consider the suitability of the land for development as a cemetery. The preferred site is then described in the pre-application for a grant. States have always been partners with the Federal government in providing for the needs of military veterans. The VA State Cemetery Grants Program (SCGP) assists the states in providing gravesites with grants used to establish, expand or improve veterans cemeteries owned and operated by the state.

Phasing

Cemeteries are constructed in phases based on the needs of the veteran population. The initial phase of construction should be based on a projected ten-year interment rate. Initial development of larger increments would unnecessarily increase state maintenance costs. This first phase includes the development and construction of the cemetery infrastructure as follows:

- Entry Features (including Avenue of Flags)
- Roads and Parking
- Avenue of Flags
- Assembly Area (Flag Location)
- Burial Areas and Burial Sections
- Committal Service Shelter
- Columbarium and In-Ground Cremain Burials
- Memorial Walk
- Administration Building
- Public Information Center (PIC)
- Public Restrooms
- Maintenance Building
- Service Yard
- Irrigation System
- Utility Distribution System
- Carillon Tower

In subsequent phases cemeteries should look at burial needs for 10 years. Subsequent phases will include the build out of additional burial sections and continuation of the columbarium, as required. The additional phases will require the extension of roadways to access the planned burial sections. Initially, cemeteries are specifically designed with loop roads to easily accommodate additional phases. Planning for the second phase should start approximately six years after the cemetery opens.

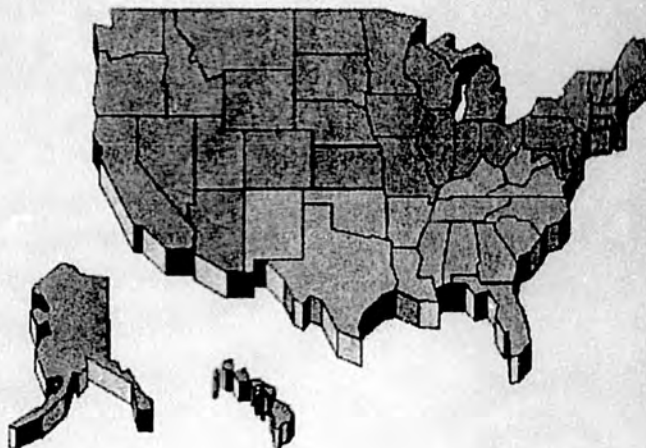
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UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

BURIAL & MEMORIALS

State Cemetery Grants Program/Grant Information Kit



[Applicant Eligibility](#) [Program History and Background](#) [Scope of the Program](#) [Availability of Funds](#) [Application Guidelines](#) [Application Content](#) [Selection Criteria](#) [Review Process](#)

Applicant Eligibility

1. State governments are eligible to receive grants to **establish, expand or improve** state veterans cemeteries. The term "state" means each of the several states, territories and possessions of the United States, including Guam, American Samoa, the Virgin Islands and the Commonwealth of the Northern Mariana Islands. The District of Columbia and the Commonwealth of Puerto Rico are also eligible to receive grants.
2. Counties, cities and other state subdivisions, including multi-agency organizations are not eligible for grants. Native American tribal governments and entities are not eligible to receive grants. Private organizations are not eligible to receive grants.
3. **Applicants must own the land** on which the cemetery is to be established. The state is responsible for the provision of land. Land may be purchased, transferred from another agency or donated.
4. Eligible applicants must provide assurance that they possess legislative authority and adequate appropriations to construct the project to be built with grant assistance.
5. Cemeteries must be operated solely for the interment of service members who die on active duty, veterans (as defined in Title 38, U.S. Code §101.(2)), and their spouses and minor children. States may impose residency requirements for eligibility but are encouraged not to.
6. Grants may only be awarded to establish, expand or improve state-owned veterans cemeteries. Grants may not be awarded for maintenance or repairs.

7. New cemeteries must be capable of providing at least 20 years of service.

Program History and Background

1. The federal government's system of national cemeteries was first established during the Civil War. The Army operated most of the cemeteries until 1973 when they were transferred to the U.S. Department of Veterans Affairs (VA). Arlington National Cemetery is still operated by the Department of the Army. The National Park Service operates several historical national cemeteries such as Gettysburg and Vicksburg. An independent agency, the American Battle Monuments Commission, maintains cemeteries overseas for the dead of World War I and World War II. States have operated veterans cemeteries since the War with Mexico.
2. The VA State Cemetery Grants Program was established in 1978 to complement VA's network of national cemeteries. Funds were first appropriated for the program in 1980. As originally authorized, VA provided 50 percent of the cost and states provided 50 percent. The value of the state land dedicated to the cemetery comprised up to half of the state's share.
3. The program assists states in providing gravesites in those areas where the National Cemetery Administration (NCA) cannot fully satisfy veterans' burial needs.
4. 4. Public Law 105-368, which went into effect in 1999, authorized VA to provide up to 100 percent of the development cost for an approved project. VA can now provide for operating equipment for establishment of new cemeteries. VA does not provide for acquisition of land.
5. The administration, operation and maintenance of a VA-supported state cemetery are solely the responsibility of the state.
6. VA is authorized to pay a "plot allowance" of \$300 to a state for expenses incurred in the burial of an eligible veteran without charge.
7. Federal statutes authorizing the program are codified at 38 U.S.C. § 2408. Regulations are at 38 C.F.R. Part 39.
8. The State Cemetery Grants Program is described in the *Catalog of Federal Domestic Assistance* under "State Cemetery Grants" at 64.203.

Scope of the Program

1. The State Cemetery Grants Program is intended to complement the service provided by the VA's system of veterans cemeteries operated by the National Cemetery Administration.
2. VA seeks to provide the service of a veterans cemetery within 75 miles of 90 percent of the veterans across the country. Data shows that a 75-mile radius defines the effective "service area" of a veterans cemetery.
3. Since 1973, VA has opened many new cemeteries, primarily in large metropolitan areas where veterans previously had no effective service. VA also works to expand existing national cemeteries to maintain current service. VA has more than doubled the acreage available in federal veterans cemeteries since 1973 and the burial rate at these cemeteries has also increased by more than 100 percent.
4. Smaller cities and rural areas located beyond the 75-mile service areas of these existing national cemeteries are ideal locations for state veterans cemeteries.

Availability of Funds

1. Federal funds are appropriated each year for the State Cemetery Grants Program. VA requested \$32 million in funding for FY 2004 (October 1, 2003 through September 30, 2004).
2. Appropriated funds are available until expended.
3. If a state that has received a grant under this program ceases to operate the cemetery as a veterans cemetery, the federal government is entitled to recover the total of all grants made under this program to that state..
4. Funds must be expended in accordance with applicable guidelines, including Office of Management and Budget (OMB) Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments."
5. All grant costs must be "necessary, reasonable" and allocable to the project for which funds have been requested.
6. When all requirements for Federal funding have been met, VA will award grants providing sufficient funds are available.
7. If sufficient funds are not available, VA will award funds according to the priority established (see "Selection Criteria").

Application Guidelines

1. A state seeking grant funding for a veterans cemetery project must apply to the U.S. Department of Veterans Affairs in accordance with 38 CFR (Code of Federal Regulations) Part 39. The applicant must also conform with the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 38 CFR Part 43, known as the "Common Grants Management Rule."
2. The applicant must have clear legislative authority from the state to apply for the grant.
3. The applicant must have the funds necessary to begin design and planning work. Federal funds are awarded on the basis of the bids received for construction. **State funds are needed to prepare plans and specifications prior to bidding.** Once the successful bidder has been determined and VA has awarded the grant, the state may be reimbursed for allowable costs already incurred.
4. The applicant must provide written assurance that any cemetery established, expanded, or improved through a grant will be maintained and operated in accordance with the operational standards and measures of the National Cemetery Administration.
5. VA provides **no monetary assistance to operate state veterans cemeteries.** States must be aware of the commitment to operate the cemetery.
6. VA must receive applications by July 1 for projects to be funded in the next Federal fiscal year (October 1 through September 30).
7. Applications must be reviewed by the State "Single Point of Contact" under the Executive Order 12372 process.
8. Applications must be signed and dated by the authorized state representative, normally the director of

the state veterans affairs agency.

9. Cemeteries established under the grant program must conform to VA-prescribed standards and guidelines for site selection, planning and construction.

Application Content

1. Standard forms approved by the U.S. Office of Management and Budget (OMB) must be used to apply for grants. All these forms are provided in the "State Cemetery Grants Program Guide, PG 40-1." They are also available on the OMB Grants Management website.

- o The basic application form is SF (Standard Form) 424, titled "Application for Federal Assistance," and known as the "face sheet."
- o The application must also include SF 424C, "Budget Information—Construction Programs."
- o The applicant must also submit SF 424D, "Assurances—Construction Programs."
- o The "Certificate of Compliance" with Federal drug-free workplace and debarment and suspension requirements is required.
- o In addition, the applicant must submit the "Certification for Contracts, Grants, Loan and Cooperative Agreements," which certifies that the applicant will not use grant funds for lobbying. If grant funds are to be used for lobbying, they must be disclosed on the "Disclosure" form.

The applicant must submit written assurance that it possesses authority to establish and operate a state veterans cemetery and that it will maintain the cemetery in accordance with VA standards.

2. For all projects expected to cost \$100,000 or more, the applicant must submit a pre-application. The pre-application is intended to:

- o Establish communication between the grantor agency (VA) and the applicant;
- o Determine the applicant's eligibility;
- o Determine how well the proposed project can compete with applications from others;
- o Discourage proposals that have little or no chance of being funded.

3. Pre-applications must include the following:

- o The location of the cemetery. A specific site may be designated during the review phase of the application, but the pre-application must designate the area to be served and the preferred location of the cemetery;
- o A design concept that describes the primary features to be included in the project and the number of gravesites to be provided. Standard features include items such as the entrance gate, administration building, committal service facility, flag plaza and assembly area;
- o A needs assessment that explains the need for the project to establish, expand or improve the veterans cemetery. This should be concise and quantitative to the degree possible.

Selection Criteria

1. Preapplications received by July 1, will be prioritized for funding in the following fiscal year.
2. Only preapplications which have met the requirements noted in the "Application Guidelines" and the "Application Content" sections will be prioritized. That is, applications must be properly completed on the appropriate forms. They must include the proper attachments and the applicant must have clear authority and adequate funding to begin the design process.
3. Preapplications meeting these basic requirements will be prioritized according to published criteria in the Program Guide, PG 40-1.
4. VA will rank the preapplications and announce priorities by August 15. VA will rank applications according to priority and the date on which the application was received.
5. Prioritization follows these rules:
 - o PRIORITY I - Projects needed to avoid disruption in burial service that would otherwise occur at existing veterans' cemeteries within 4 years of the date of the preapplication. Such projects would include phased expansion projects as well as improvement projects that are needed to continue interment operations.
 - o PRIORITY II - Projects for the establishment of new veterans' cemeteries.
 - o PRIORITY III - Planned phased developments prior to need.
 - o PRIORITY IV - Other improvement projects.

Within priority groups 1, 2 and 3, highest priority will be given to projects in geographical locations that would provide **service to the largest number** of unserved veterans as determined by VA. Within priority group 4, projects will be ranked in order based upon VA's determination of the relative importance and necessity to operate.

Review Process

1. In addition to the required forms, assurances, certifications and attachments, all projects must comply with the National Environmental Policy Act and the National Historic Preservation Act. In many cases, especially with new cemeteries, the applicant will be required to perform an Environmental Assessment (EA) to determine whether a more in-depth Environmental Impact Study (EIS) is required. The EA should progress toward a Finding of No Significant Impact (FONSI). The FONSI should be made available for public review and comment.
2. The National Historic Preservation Act requires VA to determine whether proposed projects will have any impact on historic or cultural resources. When a new cemetery is being established, it is normally necessary to perform an investigation of the site to determine whether any historic or cultural resources would be affected and, if so, what mitigation or protection may be afforded. The applicant then confers with the State Historic Preservation Office (SHPO), which renders an opinion of the project's impact. Depending on the opinion of the SHPO, VA may be able to approve the project.
3. Most states hire architect/engineer (A/E) firms to design major projects. In the case of major projects, including all establishment grants, VA requires a "pre-design conference" in which VA, state and A/E representatives meet to familiarize themselves with the site and VA design requirements.
4. VA requires a "master plan" for establishment of new cemeteries. The master plan should analyze the

major factors affecting design of the cemetery—including climate, soil, hydrology, site constraints, views, and activity level. The plan should analyze alternative designs and address the ultimate “build-out” of the site and planned phases of development.

5. The design process then proceeds to “design development” or partial plans, sometimes called 40 percent or 50 percent drawings. Again VA must review these submissions and approve them.
6. The final design submission comprises the construction drawings and specifications. VA is required to approve these documents before the state advertises for bids. Cemetery plans must be complete, comprehensive and professional.
7. Based on construction bids, the state submits a new form 424 and 424C that reflects the actual construction amount rather than the estimated amount provided in the preapplication. Along with the forms, the state must submit a tabulation of bids and designate the contractor to whom the contract will be awarded. VA reviews these materials and then awards the grant. Once the state receives the Notification of Grant Award, they may request reimbursement for costs they have already incurred such as design costs.

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64.203 State Cemetery Grants

FEDERAL AGENCY:

NATIONAL CEMETERY ADMINISTRATION, DEPARTMENT OF VETERANS AFFAIRS

AUTHORIZATION:

Veterans Housing Benefits Act of 1978, Section 202, Public Laws 95-476, 98-223, 100-687, 103-446, and 105-368; 38 U.S.C. 2408.

OBJECTIVES:

To assist States in the establishment, expansion, and improvement of veterans' cemeteries.

TYPES OF ASSISTANCE:

Project Grants.

USES AND USE RESTRICTIONS:

Monetary assistance is provided under this program to construct, expand, and improve State veterans' cemeteries. Cemeteries must be State-owned and operated solely for the interment of eligible veterans and their dependents and/or spouses. Construction cost means the amount found necessary to convert a tract of land to an operational cemetery.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility:

Any State may apply.

Beneficiary Eligibility:

The cemetery must be used solely for the interment of veterans, their wives, husbands, surviving spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self support: section 1.620 of 38 CFR.

Credentials/Documentation:

Costs will be determined in accordance with revised OMB Circular No. A-87 for State Governments, dated May 4, 1995, and further amended August 29, 1997.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination:

Consultation or assistance is available from VA Central Office personnel (State Cemetery Grants Service) to aid in the preparation of an application. The standard application forms as furnished by VA and required by OMB Circular No. A-102 must be used for this program (Standard Form 424, "Application for Federal Assistance," with attachments). An environmental assessment is required. This program is eligible for coverage under E.O. 12372, "Intergovernmental Review of Federal Programs." An applicant should consult the office or official designated as the single point of contact in his or her State for more information on the process the State requires to be followed in applying for assistance, if

the State has selected the program for review.

Application Procedure:

Submit Standard Form 424, "Application for Federal Assistance for Construction Programs," with attachments, to the Director, State Cemetery Grants Service (401C), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. This program is excluded from coverage under OMB Circular No. A-110.

Award Procedure:

Formal notification of the award to the State is made by the Under Secretary for Memorial Affairs, National Cemetery Administration.

Deadlines:

A deadline of July 1 is established for the filing of applications in the year prior to the fiscal year in which funding is requested.

Range of Approval/Disapproval Time:

From 30 to 60 days.

Appeals:

No application shall be disapproved until the applicant has been afforded an opportunity for a hearing.

Renewals:

Not applicable.

ASSISTANCE CONSIDERATIONS:**Formula and Matching Requirements:**

The amount of the Federal contribution to a State is up to 100 percent of the cost of establishing, improving or expanding State Veterans Cemeteries. In the case of establishment grants, the cost of operating equipment may also be included. Land value is not included as an allowable cost for reimbursement under the grant.

Length and Time Phasing of Assistance:

Funds are provided by electronic transfer of funds and must be used within 3 years.

POST ASSISTANCE REQUIREMENTS:**Reports:**

Outlay Report and Request for Reimbursement for Construction Programs, and Performance Reports are accomplished in accord with 38 CFR Part 43.

Audits:

In accordance with the provisions of OMB Circular No. A-133 (Revised, June 24, 1997), "Audits of States, Local Governments, and Nonprofit Organizations," nonfederal entities that expend financial assistance of \$300,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Nonfederal entities that expend less than \$300,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in Circular No. A-133.

Records:

Financial records, supporting documents, statistical records and all other records pertinent to a grant shall be retained for a period of 3 years. If any claim or audit is started before the expiration of the 3 year period, the records shall be retained until all litigation, claims or audit findings involving the records

have been resolved.

FINANCIAL INFORMATION:

Account Identification:

36-0183-0-1-705.

Obligations:

(Grants) FY 04 \$33,621,693; FY 05 est \$36,109,000; and FY 06 est \$32,000,000.

Range and Average of Financial Assistance:

\$4,305 to \$10,965,607. Average: \$1,533,992.

PROGRAM ACCOMPLISHMENTS:

For fiscal year 2005 the State Cemetery Grants Service has received requests totaling \$126,070,995. The State Cemetery Grants Service estimates approximately 5 to 10 applications to establish, expand, or improve State veterans cemeteries in fiscal years 2005 and 2006.

REGULATIONS, GUIDELINES, AND LITERATURE:

VA Regulations 38 CFR Parts 39 and 43, State Cemetery Grant Program; State Cemetery Grants Program Guide (PG 40-1); and, "Federal Assistance for Establishment, Expansion and Improvement of State Veterans' Cemeteries (State Cemetery Grants Program)" (VA Pamphlet 40-96).

INFORMATION CONTACTS:

Regional or Local Office:

None.

Headquarters Office:

Director, State Cemetery Grants Service, (41E), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, DC 20420. Contact: Mr. William Jayne. Telephone: (202) 565-6152 or 565-6801. Fax: (202) 565-6141.

Web Site Address:

<http://www.va.gov>.

RELATED PROGRAMS:

64.101, Burial Expenses Allowance for Veterans; 64.201, National Cemeteries; 64.202, Procurement of Headstones and Markers and/or Presidential Memorial Certificates.

EXAMPLES OF FUNDED PROJECTS:

1) Construction necessary to convert a tract of land to an operational cemetery; 2) construction of a committal facility, administration/maintenance building, and improve storm drainage system; and 3) the expansion of cemetery acreage or building a committal shelter.

CRITERIA FOR SELECTING PROPOSALS:

Applications are prioritized and ranked with other projects in the order received. The priority system consists of six groups or categories. Examples: The extent to which States have adequate funds to match the Federal grant; and the extent to which a project involves additional gravesites necessary to keep the cemetery open. The availability of the Federal and nonfederal share of the project is a primary consideration.

Benefits for Veterans and Dependents

Department of Veterans Affairs

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Burial Benefits

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Eligibility

Veterans discharged under conditions other than dishonorable and servicemembers who die while on active duty may be eligible for the following burial benefits: (1) burial in a national cemetery; (2) government-furnished headstone or marker; (3) Presidential Memorial Certificate; (4) burial flag; and in some cases, (5) reimbursement of a portion of burial expenses. With certain exceptions, service beginning after Sept. 7, 1980, as an enlisted person, and after Oct. 16, 1981, as an officer, must be for a minimum of 24 consecutive months or the full period for which the person was called to active duty. Reservists and National Guard members are eligible if they were entitled to retired pay at the time of death, or would have been entitled had they not been under the age of 60.

Certain Filipino veterans of World War II, to include those who served in the Philippine Commonwealth Army (USAFFE) or recognized guerilla forces and New Philippine Scouts, may be eligible if the veteran, at the time of death, was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.

Persons convicted of a federal or state capital crime, and sentenced to death or life imprisonment without parole, are barred from receiving burial benefits. For additional information on burial benefits, call the nearest national cemetery or 1-800-827-1000, or visit: <http://www.cem.va.gov/>.



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Burial in VA National Cemeteries

VA provides veterans and dependents several gravesite options for burial, though choices are limited to those available at a specific cemetery. These may include a full casket burial, or columbarium or in-ground niche for cremated remains. A limited number of national cemeteries also provide a scatter garden for cremated remains.

The funeral director or the next of kin makes interment arrangements for an eligible veteran or dependent at the time of need by contacting the national cemetery in which burial is desired. VA normally does not conduct burials on weekends. However, weekend callers will be directed to a national cemetery that can schedule burials for the following week. Gravesites in national cemeteries cannot be reserved, however VA will honor reservations made under previous programs. See the VA Facilities section of this book to locate a national cemetery.

Spouses and dependent children of eligible veterans and servicemembers also may be buried in a national cemetery. If the surviving spouse of an eligible veteran remarries, and that marriage is terminated by death or dissolved by annulment or divorce, the surviving spouse is eligible for burial in a national cemetery. The surviving spouse need not be unmarried at the time of death to retain eligibility, if the date of death is on or after Jan. 1, 2000. Burial of dependent children is limited to unmarried children under 21 years of age, or under 23 years of age if pursuing a full-time course of instruction at an approved educational institution. Unmarried adult children who became physically or mentally disabled and incapable of self-support before reaching the age of 21, or 23 if a full-time student, also are eligible for burial.



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Headstones and Markers

Flat bronze, granite or marble markers and upright granite or marble headstones are available. In national cemeteries, the style chosen must be consistent with existing monuments at the place of burial. Niche markers are available to mark columbaria used for inurnment of cremated remains. Government-furnished headstones and markers must be inscribed with the name of the deceased, branch of service, and the year of birth and death. They also may be inscribed with other markings, including an authorized emblem of belief and, space permitting, additional text including military grade, rate or rank; war service such as "World War II;" complete dates of birth and death; military awards; military organizations; civilian or veteran affiliations; and words of endearment. When burial or memorialization is in a national, state or military veterans cemetery, the

headstone or marker must be ordered through cemetery officials. To apply or obtain specific information on available styles, contact the cemetery where the headstone or marker is to be placed.

When burial occurs in a private cemetery, an application for a government-furnished headstone or marker must be made to VA. The government will ship the headstone or marker free of charge, but will not pay for its placement. Headstones and markers previously provided by the government may be replaced at government expense if badly deteriorated, illegible, vandalized or stolen. Eligible veterans and servicemembers buried in private cemeteries, whose deaths occurred on or after Sept. 11, 2001, may receive a government-furnished headstone or marker regardless of whether the grave is already marked with a non-government memorial.

To apply, mail a completed VA Form 40-1330, Application for Standard Government Headstone or Marker for Installation in a Private or State Veterans Cemetery, along with a copy of the veteran's military service discharge document to Memorial Programs Service (402E), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC, 20420-0001. Or fax documents to 1-800-455-7143. Do not send original discharge documents because they will not be returned. For information and application instructions, visit: <http://www.cem.va.gov/>.

VA also provides memorial headstones and markers, bearing the inscription "In Memory of" as their first line, to memorialize eligible veterans and servicemembers whose remains were not recovered or identified, were buried at sea, donated to science or cremated and scattered. Eligible dependents may be memorialized only in national or state veterans cemeteries. To be memorialized, dependents do not need to outlive the veteran from whom their eligibility is based. Memorial headstones or markers must be placed in national, state veterans, local or private cemeteries. VA supplies and ships memorial headstones and markers free of charge, but does not pay for their plots or placement. To check the status of an application for headstone or marker, call 1-800-697-6947.

Presidential Memorial Certificates

Certificates signed by the president are issued upon request to recognize the military service of honorably discharged deceased veterans. Next of kin, other relatives and friends may request them in person at any VA regional office or by mail: Presidential Memorial Certificates, Department of Veterans Affairs, 5109 Russell Rd., Quantico, VA 22143-3909. There is no pre-printed form to complete or time limit for requesting a certificate(s), but requests should include a copy, not the original, of the deceased veteran's discharge document and clearly indicate to what address the certificate(s) should be sent. Additional information and a sample certificate can be found on the Internet: <http://www.cem.va.gov/pmc.htm>.



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Burial Flags

VA will furnish a United States burial flag for memorialization of:

- (1) Veterans who served during wartime, or served after Jan. 31, 1955.
- (2) Veterans who were entitled to retired pay for service in the reserves, or would have been entitled to such pay but not for being under 60 years of age.
- (3) Members or former members of the Selected Reserve who served at least one enlistment or, in the case of an officer, the period of initial obligation, or were discharged for disability incurred or aggravated in line of duty, or died while a member of the Selected Reserve.

Reimbursement of Burial Expenses

VA will pay a burial allowance up to \$2,000 if the veteran's death is service-connected. In some instances, VA also will pay the cost of transporting the remains of a service-disabled veteran to the national cemetery nearest the home of the deceased that has available gravesites. In such cases, the person who bore the veteran's burial expenses may claim reimbursement from VA. There is no time limit for filing reimbursement claims in service-connected death cases. VA will pay a \$300 burial and funeral expense allowance for veterans who, at time of death, were entitled to receive pension or compensation or would have been entitled to compensation but for receipt of military retirement pay. Eligibility also may be established when death occurs in a VA facility, a nursing home under VA contract or a state veterans nursing home. Additional costs of transportation of the remains may be paid. In nonservice-connected death cases, claims must be filed within two years after permanent burial or cremation. VA will pay a \$300 plot allowance when a veteran is not buried in a cemetery that is under U.S. government jurisdiction under the following circumstances: the veteran was discharged from active duty because of disability incurred or aggravated in the line of duty; the veteran was in receipt of compensation or pension or would have been except for receiving military retired pay; or the veteran died in a VA facility. The \$300 plot allowance may be paid to the state if a veteran is buried without charge for the cost of a plot or interment in a state-owned cemetery reserved solely for veteran burials. Burial expenses paid by the deceased's employer or a state agency will not be reimbursed.



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Military Funeral Honors

Upon request, the Department of Defense will provide military funeral honors for the burial of military members and eligible veterans. A basic military funeral honors ceremony consists of the folding and presentation of the United States