

Date of Hearing: April 29, 2014

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS
Sharon Quirk-Silva, Chair
AB 1453 (Quirk-Silva) – As Amended: April 22, 2014

SUBJECT: Southern California Veterans Cemetery.

SUMMARY: Requires the California Department of Veterans Affairs (department), in voluntary cooperation with local government entities in Orange County, to design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery. The bill would also make all honorably discharged veterans eligible for interment in the cemetery and their spouses and children to the extent provided by federal law and regulation. Additionally, the bill would require the department to establish a fee to be charged for interment of veteran spouses and children. Specifically, this bill:

- 1) Creates the Southern California Veterans Cemetery Master Development Fund, a continuously appropriated fund, and would require all moneys received for the design, development, construction, and equipment of the cemetery to be deposited in this fund.
- 2) Creates the Southern California Veterans Cemetery Perpetual Maintenance Fund and would direct all moneys received for the maintenance of the cemetery, including those moneys received for the interment of a spouse or child, to be deposited in this fund.
- 3) Makes proposals for the construction, placement, or donation of monuments and memorials to the cemetery subject to review by a specified advisory committee and subject to final approval by the Secretary.
- 4) Authorizes the cemetery administrator to accept donations of personal property to be used for the maintenance, beautification, or repair of the cemetery. Requires cash donations to be deposited into the Southern California Veterans Cemetery Donations Fund; a continuously appropriated fund created by this bill, and would require the cash donations to be expended for the maintenance, beautification, and repair of the cemetery, as specified. By creating a continuously appropriated fund, the bill would make an appropriation.
- 5) Declares the intent of the Legislature to appropriate funds in the annual Budget Act to support the department in carrying out the provisions of this bill. Specifies that if no appropriation is made for these purposes, the department would not be required to comply with the provisions of this bill.
- 6) Requires the department to apply to the Veterans Cemetery Grants Program of the federal Department of Veterans Affairs for a grant of not more than an unspecified amount, which amount represents 100% of the estimated cost for designing, developing, constructing, and equipping the cemetery.
- 7) Declares the intent of the Legislature to prohibit the expenditure of money appropriated to the department until the department has received written approval of the grant request and a commitment from the federal Veterans Cemetery Grants Program that the funds appropriated

under the grant are available for expenditure by the state, except as specified.

EXISTING LAW:

- 1) Requires the department, in voluntary cooperation with the Shasta County Board of Supervisors and the boards of supervisors of specified northern California counties, to design, develop, and construct a state-owned and state-operated Northern California Veterans Cemetery.
- 2) Requires the department, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and surrounding counties, cities, and local agencies, to design, develop, and construct the state-owned and state-operated Central Coast Veterans Cemetery, which shall be located on the site of the former Fort Ord.
- 3) The Secretary of Veterans Affairs of the federal Department of Veterans Affairs is authorized to make a grant to any state for the purpose of establishing, expanding, or improving a veterans' cemetery owned by the state and operating and maintaining a veterans' cemetery.

FISCAL EFFECT: Unknown at this time.

COMMENTS:

Traditionally, veterans' cemeteries have been federal responsibilities, but as the last century came to a close the federal government enacted a cost saving measure by offering to build cemeteries but let states pay the maintenance costs in perpetuity as was done with the now completed Northern California State Veterans Cemetery (NCVC), California's first, and the Central Coast State Veterans Cemetery, which will be the second when complete.

Under the federal Veterans Affairs State Cemetery Grants Program, the federal government will reimburse up to 100% of the cost of establishing, expanding, or improving state veterans' cemeteries, including the acquisition of initial operating equipment, if the state agrees to cover the administrative and oversight costs. These administrative and oversight costs are offset eventually through federal veterans burial benefits. The USDVA will not pay any off site costs, land purchases, demolition costs or State employee costs such as DGS may charge.

The administrative, oversight and operational costs are offset by a federal plot allowance paid to the state for the burial of veterans by the USDVA and the dependent fees charged by the state. The percentage of those costs depends on the type of cemetery operation. The federal Plot Allowance is currently \$734 and NCVC dependent fees are currently \$500.

According to the department:

The burial rate must be determined and is the primary factor that will determine the size, type and cost of construction, as well as the operational costs of the Veterans Cemetery. We will consider the veterans population, veteran's death rate, and distance from cities to the proposed location of the cemetery and of existing active veteran's cemeteries. Riverside National Cemetery is the closest National Cemetery to Orange, Los Angeles and Ventura Counties, which is the area that the proposed Veterans Cemetery would

serve. However, the locations of Bakersfield National Cemetery to the north and Miramar National Cemetery to the south were considered.

The National Cemetery Administration uses a 75 mile radius to determine if a veteran is being served by an existing Veterans Cemetery. The flaw in their logic in determining if a veteran is being served within a 75 mile radius is that they do not consider natural barriers, location of roadways, traffic and public transportation, which are proven barriers in the actual use by veterans of veterans cemeteries.

Much of the area that our proposed veteran's cemetery would serve is inside the 75 mile radius of Riverside National Cemetery, but this fact will not prevent the state from obtaining a federal grant to construct a State Veterans cemetery. However, it must be considered when determining our facilities burial rate. For this reason we have not considered the veterans population in Riverside or San Bernardino Counties that may be closer to our proposed location. We are considering the entire veteran population of Orange, Los Angeles and Ventura counties as those veterans would reside closer to our proposed location than to the Riverside National Cemetery.

The National Cemetery Administration interments 13.5% of the eligible veterans in their catchment areas (75 mile radius) nationwide. The Northern California Veterans Cemetery (NCVC) interments 27% of the eligible veterans within a 75 mile radius of the cemetery.

When determining the burial rate for the California Central Coast Veterans Cemetery (CCCVC) CDVA and the USDVA agreed on a 25% interment rate based on our experience at NCVC. Understanding that there are so many unmeasurable factors in determining the percentage this is not a science, but an estimation of the actual number of veterans that will be interred in our proposed Veterans Cemetery.

Casket and Cremated Interments at the Proposed Veterans Cemetery

USDVA Burial Rate Percentage – 13.5% = 2,124 veteran burials per year, including dependent burials = 2,974

NCVC Burial Rate Percentage – 27% = 4,247 veteran burials per year, including dependent burials = 5,746

CCCVC proposed Rate Percentage – 25% = 3,933 veterans burials per year, including dependent burials = 5,506

Dependent burials are not considered in the above figures and USDVA and CDVA agree that it averages an additional 40% to the total of veterans interred in veteran's cemeteries.

The two State Veterans Cemeteries are distant from Orange County; the Northern California State Veterans Cemetery is located in near Redding in Igo, California, and the Central Coast State Veterans Cemetery will be located in Monterey, California.

Although the National Cemetery in Riverside is a beautiful resting place for veterans, due to its distance from Orange County, regional geography, limited driving routes, and the population density of the region, the needs of Orange County veterans, veterans from other southern

California coastal areas, and veterans' families are not met by the National Cemetery in Riverside.

REGISTERED SUPPORT / OPPOSITION:

Support

American GI Forum
American Legion, Department of California
American Legion, Post 131 of Santa Ana
American Legion, Post 277 of Placentia
American Legion District 29
AMVETS, Department of California
California Association of County Veterans Service Officer
California Republican Assembly
California Senior Legislature
California State Commanders Veterans Council
City of Brea
City of Garden Grove
City of Huntington Beach
City Irvine
City of Laguna Beach
City of Los Alamitos
City of Mission Viejo
City of Santa Ana
City of Stanton
Coast Community College District
Disabled American Veterans, Department of California
Fullerton College
Kazuo Masuda Memorial VFW Post 3670
League of United Latin American Citizens
Michael A. Houlemard, Jr- Executive Officer of the Fort Ord Reuse Authority
Orange County Cemetery District
Orange County Employees Association
Public Law Center
Veterans Employment Committee of Orange County
Veterans of Foreign Wars, Department of California
Vietnam Veterans of America, California State Council
125 Individuals
City of Buena Park

Opposition

None

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