

FISCAL NOTE
Requested by Legislative Council
02/22/2013

Revised
Bill/Resolution No.: SB 2097

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(350,000)		\$(350,000)
Expenditures				\$(350,000)		\$(350,000)
Appropriations				\$(350,000)		\$(350,000)

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would allow burial in the ND Veterans Cemetery for a child who is without any sibling and who survives the veteran.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill changes current rules for burial, which we believe at this time, would jeopardize burial revenues as well as capital improvement grants from the National Veterans Administration.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The North Dakota Veterans Cemetery is a VA-funded cemetery that must be maintained and operated in accordance with National Cemetery Administration interment eligibility standards. In a letter we received from Mr. Joshua M. De Leon, Director of the Veterans Cemetery Grants Service, he states that state cemeteries "must be maintained and operated in accordance with NCA operations standards and measures. Burial of any non-eligible individual in a VA-funded cemetery would be inconsistent with VA authority and NCA standards to maintain Veteran cemeteries as shrines honoring military service." (See attached letter) Since this bill authorizes the burial of "non-eligible individuals" it would make us ineligible for VA funding. This works out to about \$350,000 a biennium in revenue. Additionally, we would not be eligible for federal grants, which have resulted in over \$3.5 million in capital improvements over the past 10 years.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The current requirement to operate the ND Veterans Cemetery is approximately \$750,000 which includes salaries and operations. That amount does not include capital improvements or major repairs. The proposed legislation, which would likely cut revenues and resulting expenditures by \$350K, would not allow maintenance and salary support in the 2013-15 biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Veterans Cemetery Maintenance Fund has a continuing appropriation as detailed in the executive budget for the Office of Adjutant General. The reduced revenue would be a direct reduction of expenditures and appropriations.

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Agency: Adjutant General

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Date Prepared: 02/22/2013



DEPARTMENT OF VETERANS AFFAIRS
NATIONAL CEMETERY ADMINISTRATION
WASHINGTON DC 20420

Pamela Helbling-Schafer
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FEB 07 2013

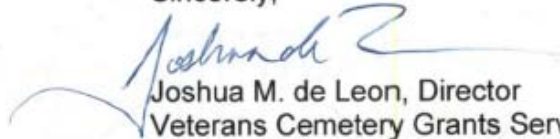
Dear Mrs. Helbling-Schafer,

I am writing in response to your February 2, 2013 request for guidance on Department of Veterans Affairs (VA), National Cemetery Administration (NCA) interment eligibility standards. Section 2042 of title 38 of the United States Code (USC) defines persons eligible for burial in VA national cemeteries. VA may inter the remains of certain deceased individuals but VA is not authorized to make eligibility determinations in advance of an immediate need for burial.

VA's statutory authority for burial eligibility serves as minimum requirements for VA-funded State and Tribal Veterans cemeteries, such as the North Dakota Veterans Cemetery. Further, VA-funded Veteran cemeteries serve as complements to VA national cemeteries, and must be maintained and operated in accordance with NCA operational standards and measures. Burial of any non-eligible individual in a VA-funded Veterans cemetery would be inconsistent with existing VA authority and NCA standards to maintain Veteran cemeteries as shrines honoring military service.

We hope this information is useful to you and look forward to our continued partnership in the service of Veterans.

Sincerely,


Joshua M. de Leon, Director
Veterans Cemetery Grants Service