

AMENDED IN SENATE AUGUST 19, 2008

AMENDED IN SENATE AUGUST 12, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2171**

---

---

**Introduced by Assembly Member Cook**

February 20, 2008

---

---

An act to add Section 14629 to the Government Code, relating to the State Capitol.

LEGISLATIVE COUNSEL'S DIGEST

AB 2171, as amended, Cook. Purple Heart Memorial.

Existing law prescribes various duties for the Department of General Services in connection with development and maintenance of the park around the State Capitol Building.

This bill would authorize the Military Order of the Purple Heart, Capitol Chapter 385, in consultation with the department and a specifically created committee, to construct and maintain a memorial in the Capitol Historic Region to honor California residents who have been awarded the Purple Heart. It would require that the planning, construction, and maintenance of the memorial be funded with private donations through a nonprofit foundation to be established. It also would prohibit construction of the memorial until the master plan of the State Capitol Park is approved and adopted by the Joint Committee on Rules and the *Joint Committee on Rules and the Department of Finance* ~~has~~ *have* determined that sufficient private funding is available to construct and maintain the memorial.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14629 is added to the Government Code,  
2 to read:

3 14629. (a) The Military Order of the Purple Heart, Capitol  
4 Chapter 385, or any successor entity, may plan and construct a  
5 memorial in the Capitol Historic Region, in consultation with the  
6 department, to honor California residents who have been awarded  
7 the Purple Heart.

8 (b) The Purple Heart Memorial Review Committee is hereby  
9 established and shall include as members all of the following:

10 (1) The Director of General Services, or his or her designee.

11 (2) The State Historic Preservation Officer, or his or her  
12 designee.

13 (3) A Member of the Assembly appointed by the Speaker of the  
14 Assembly.

15 (4) A Member of the Senate appointed by the Senate Committee  
16 on Rules.

17 (c) The committee shall consult with the Military Order of the  
18 Purple Heart, Capitol Chapter 385, to identify an appropriate  
19 location for the memorial in the Capitol Historic Region and review  
20 a memorial design.

21 (d) The department, in consultation with the Military Order of  
22 the Purple Heart, Capitol Chapter 385, shall accomplish the  
23 following goals:

24 (1) Review of the preliminary design plans to identify potential  
25 maintenance concerns.

26 (2) Ensure Americans with Disabilities Act of 1990 (42 U.S.C.  
27 Sec. 12101 et seq.) compliance, and other safety concerns.

28 (3) Review and approval of proper California Environmental  
29 Quality Act (Division 13 (commencing with Section 21000) of  
30 the Public Resources Code) documents prepared for work at the  
31 designated historic property.

32 (4) Review of final construction documents to ensure that all  
33 requirements are met.

34 (5) Prepare the right-of-entry permit outlining the final area of  
35 work, final construction documents, construction plans, the  
36 contractor hired to perform the work, insurance, bonding,  
37 provisions for damage to state property, and inspection  
38 requirements.

1 (6) Prepare a maintenance agreement outlining the Military  
2 Order of the Purple Heart, Capitol Chapter 385's responsibility  
3 for the long-term maintenance of the memorial due to aging,  
4 vandalism, or relocation.

5 (7) Inspect the construction performed by the contractor selected  
6 by the Military Order of the Purple Heart, Capitol Chapter 385.

7 (e) If the Military Order of the Purple Heart, Capitol Chapter  
8 385 undertakes responsibility to construct a memorial under this  
9 section, it shall, in consultation with the department, establish a  
10 schedule for the design, construction, and dedication of the  
11 memorial, implement procedures to solicit designs for the memorial  
12 and devise a selection process for the choice of the design, and  
13 establish a program for the dedication of the memorial.

14 (f) The department and the Purple Heart Memorial Review  
15 Committee shall approve the design of the memorial.

16 (g) If the Military Order of the Purple Heart, Capitol Chapter  
17 385 undertakes responsibility to construct a memorial under this  
18 section, it shall not begin construction of the memorial until the  
19 master plan of the State Capitol Park is approved and adopted by  
20 the Joint Committee on Rules and *the Joint Committee on Rules*  
21 *and* the Department of Finance ~~has~~ *have* determined that sufficient  
22 private funding is available to construct and maintain the memorial.

23 (h) The planning, construction, and maintenance of the memorial  
24 shall be funded exclusively through private donations to a nonprofit  
25 foundation, the Purple Heart Memorial Foundation, to be  
26 established for that purpose.

27 (i) If the Military Order of the Purple Heart, Capitol Chapter  
28 385 undertakes responsibility to construct a memorial under this  
29 section, it shall sign a maintenance agreement with the state, as  
30 created under paragraph (6) of subdivision (d), to maintain the  
31 memorial with private contributions.

32 (j) Notwithstanding any other provision of law, any new veterans  
33 memorial approved pursuant to the master plan of the State Capitol  
34 Park, as adopted by the Joint Committee on Rules, shall be  
35 constructed within the existing boundary of the Capitol Veterans  
36 Memorial.

O