

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1453

Introduced by Assembly Member Quirk-Silva
(Coauthors: Assembly Members Daly, Mansoor, and Wagner)
(Coauthors: Senators Correa and Wyland)

January 9, 2014

An act to add Chapter 9.5 (commencing with Section 1410) to Division 6 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as amended, Quirk-Silva. Southern California Veterans Cemetery.

The Department of Veterans Affairs (*department*) is created in state government and the Secretary of Veterans Affairs is the head of the department. Under existing law, the ~~Department of Veterans Affairs~~ *department*, in voluntary cooperation with the Shasta County Board of Supervisors and the boards of supervisors of specified northern California counties, is required to design, develop, and construct a state-owned and state-operated Northern California Veterans Cemetery. *Under existing law, 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, is required to design, develop, and construct the state-owned and state-operated veterans cemetery, which shall be located on the site of the former Fort Ord.*

Existing federal law authorizes the Secretary of Veterans Affairs of the federal Department of Veterans Affairs 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.

This bill would require the department, in voluntary cooperation with ~~the Orange County Board of Supervisors and city councils of other participating southern California cities,~~ *local government entities in Orange County,* to design, develop, ~~and construct,~~ *and equip* a state-owned and state-operated Southern California Veterans Cemetery. The bill would make all honorably discharged veterans and their spouses and children eligible for interment in the cemetery. The bill would ~~impose a fee of \$_____ for each spouse or child interred in the cemetery.~~ *require the department to establish a fee to be charged for interment of veteran spouses and children.*

The bill would create the Southern California Veterans Cemetery Master Development Fund, a continuously appropriated fund, and would require all moneys received for the design, development, ~~and construction,~~ *and equipment* of the cemetery to be deposited in this fund. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would also create 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.*

The bill would make 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.

The bill would authorize the cemetery administrator to accept donations of personal property to be used for the maintenance ~~or,~~ *or,* beautification, *or repair* of the cemetery. The bill would require cash donations to be deposited into the ~~Northern~~ *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 ~~facility~~ *cemetery,* as specified. By creating a continuously appropriated fund, the bill would make an appropriation.

The bill would require and authorize the department to adopt regulations, as specified.

The bill would declare 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. The bill would specify that if no appropriation is made for these purposes, the department would not be required to comply with the provisions of this bill.

The bill would require 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.

The bill would declare 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.

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

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

1 SECTION 1. Chapter 9.5 (commencing with Section 1410) is
2 added to Division 6 of the Military and Veterans Code, to read:

3
4 CHAPTER 9.5. SOUTHERN CALIFORNIA VETERANS CEMETERY
5

6 1410. (a) (1) The department, in voluntary cooperation with
7 ~~the Orange County Board of Supervisors and the city councils of~~
8 ~~other participating southern California cities as specified in local~~
9 ~~government entities in Orange County pursuant to Section 1412,~~
10 shall design, develop, ~~and~~ construct, *and equip* a state-owned and
11 state-operated Southern California Veterans Cemetery, which shall
12 be located in Orange County, California.

13 (2) The department shall oversee and coordinate the design,
14 development, and construction of the cemetery.

15 (3) For purposes of this chapter, “department” means the
16 Department of Veterans Affairs.

17 (b) (1) All honorably discharged veterans and their spouses
18 and children are eligible for ~~internment~~ *interment* in the cemetery.
19 ~~A fee of _____ dollars (\$_____) shall be charged for each spouse or~~
20 ~~child interred in the cemetery. This~~ *The department shall establish*
21 *a fee to be charged for interment of veteran spouses and children.*

1 *The amount of the fee shall not exceed the reasonable costs to the*
2 *department for interment in the cemetery.*

3 (2) ~~For~~ *Subject to Section 1418, for the purposes of this*
4 *subdivision, the department shall adopt regulations to specify the*
5 *eligibility requirements for interment in the cemetery. These*
6 ~~regulations shall be adopted pursuant to the Administrative~~
7 ~~Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~
8 ~~Part 1 of Division 3 of Title 2 of the Government Code).~~

9 (3) All fees received pursuant to paragraph (1) shall be deposited
10 in the Southern California Veterans Cemetery Perpetual
11 Maintenance Fund created pursuant to Section 1412.

12 1412. (a) ~~For the purposes of Section 1410, the Orange County~~
13 ~~Board of Supervisors all local government entities in Orange~~
14 ~~County may join with the city councils of cities within Orange~~
15 ~~County wishing to participate together for the purpose of~~
16 ~~cooperating with the department in the design, development, and~~
17 ~~construction, and equipment of the cemetery.~~

18 (b) All moneys received for the design, development, ~~and~~
19 ~~construction, and equipment of the cemetery shall be deposited in~~
20 ~~the Southern California Veterans Cemetery Master Development~~
21 ~~Fund, which is hereby created in the State Treasury.~~
22 ~~Notwithstanding Section 13340 of the Government Code, money~~
23 ~~in the fund is continuously appropriated to the department for the~~
24 ~~purpose of designing, developing, constructing, and equipping the~~
25 ~~cemetery. Moneys appropriated by the Legislature for these~~
26 ~~purposes shall also be deposited in the fund.~~

27 (c) (1) ~~All~~ *Except as otherwise provided in Section 1416, all*
28 *moneys received for the maintenance of the cemetery, including*
29 *moneys received pursuant to subdivision (b) of Section 1410, shall*
30 *be deposited in the Southern California Veterans Cemetery*
31 *Perpetual Maintenance Fund, which is hereby created in the State*
32 *Treasury. Any state funding for the annual maintenance of the*
33 *cemetery shall be appropriated by the Legislature in the annual*
34 *Budget Act.*

35 (2) ~~It is estimated that,~~ *It is the intent of the Legislature that,*
36 *after the construction of the cemetery, an estimated ____ dollars*
37 *(\$____) should be appropriated annually by the Legislature in the*
38 *annual Budget Act or the participating southern California counties,*
39 *or both, to the department for the operating costs of the cemetery.*

1 (3) ~~Total~~ *It is the intent of the Legislature that total expenditures*
2 *for operations and maintenance should not be more than _____*
3 *dollars (\$____) per fiscal year, as appropriated in the annual Budget*
4 *Act.*

5 1414. (a) Proposals for the construction, placement, or donation
6 of monuments and memorials to the cemetery shall be subject to
7 review by an advisory committee comprised of the cemetery
8 administrator, representatives from *local government entities within*
9 *Orange County, local veterans' service organizations, and others*
10 *as approved by the secretary.*

11 (b) All proposals for the construction, placement, or donation
12 of monuments and memorials to the cemetery shall be subject to
13 the final approval of the secretary.

14 (c) ~~The~~ *Subject to Section 1418, the department shall adopt*
15 *regulations for the policies and procedures to be followed with*
16 *respect to the ~~design, construction, placement, donation,~~ and*
17 *approval of monuments and memorials proposed to be placed on*
18 *the cemetery grounds. ~~These regulations shall be adopted pursuant~~*
19 *to the Administrative Procedure Act (Chapter 3.5 (commencing*
20 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
21 *Government Code).*

22 1416. (a) Notwithstanding Section 11005 of the Government
23 Code, the cemetery administrator, subject to the approval of the
24 secretary, may accept donations of personal property, including
25 cash or other gifts, to be used for the maintenance ~~or~~, beautification,
26 *or repair* of the cemetery.

27 (b) Cash donations made pursuant to subdivision (a) shall be
28 deposited into the ~~Northern~~ *Southern California Veterans Cemetery*
29 *Donations Fund, which is hereby created. Notwithstanding Section*
30 *13340 of the Government Code, money in the fund is continuously*
31 *appropriated to the department for the maintenance, *beautification,**
32 *and repair of the ~~facility~~ cemetery or, subject to the approval of*
33 *the secretary, for a specified cemetery maintenance or*
34 *beautification project designated by the donor.*

35 1418. *For purposes of carrying out the provisions of this*
36 *chapter, the department may adopt regulations. All regulations*
37 *adopted pursuant to this chapter shall be adopted pursuant to the*
38 *Administrative Procedure Act (Chapter 3.5 (commencing with*
39 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
40 *Code).*

1 *SEC. 2. It is the intent of the Legislature to appropriate funds*
2 *in the annual Budget Act to support the Department of Veterans*
3 *Affairs in carrying out the provisions of Chapter 9.5 (commencing*
4 *with Section 1410) of Division 6 of the Military and Veterans Code.*
5 *If no appropriation is made for these purposes, the Department*
6 *of Veterans Affairs shall not be required to comply with the*
7 *provisions of Chapter 9.5 (commencing with Section 1410) of*
8 *Division 6 of the Military and Veterans Code.*

9 *SEC. 3. (a) The Department of Veterans Affairs shall apply*
10 *to the Veterans Cemetery Grants Program of the federal*
11 *Department of Veterans Affairs for a grant of not more than 100*
12 *percent of the estimated cost for designing, developing,*
13 *constructing, and equipping the cemetery.*

14 *(b) It is the intent of the Legislature that the money to be*
15 *appropriated in the annual Budget Act under Section 2 of this act*
16 *is not expended until the Department of Veterans Affairs has*
17 *received written approval of the grant requested under subdivision*
18 *(a) and a commitment from the federal Veterans Cemetery Grants*
19 *Program that the funds appropriated under the grant are available*
20 *for expenditure by the state, except it is the intent of the Legislature*
21 *that the department may expend an amount necessary for*
22 *completion of the grant proposal from the funds intended by the*
23 *Legislature to be appropriated under Section 2.*