

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1453**

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

January 9, 2014

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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, 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 local government entities in Orange County, to design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery. Subject to specified requirements described in federal law, the bill would make all honorably discharged veterans and their spouses and children eligible for interment in the cemetery. The bill would require the department to establish a fee to be charged for interment of veteran spouses and eligible 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, 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~~ *secretary*.

The bill would authorize the cemetery administrator to accept donations of personal property to be used for the maintenance, beautification, or repair of the cemetery. The bill would require 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.

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. *fund annual cemetery operations and*

*maintenance and to enact any additional legislation that may be necessary to set dollar limits on funding for those operations and that maintenance.* 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 moneys appropriated to the department until the department has received written approval of the grant ~~request~~ *requested* 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 local government entities in Orange County pursuant to Section  
8 1412, shall design, develop, construct, and equip a state-owned  
9 and state-operated Southern California Veterans Cemetery, which  
10 shall be located in Orange County, California.

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

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

15 (b) (1) Subject to the eligibility requirements described in  
16 Section 2402 of Title 38 of the United States Code, as amended  
17 from time to time, all honorably discharged veterans and their  
18 spouses and children are eligible for interment in the cemetery.  
19 The department shall establish a fee to be charged for interment

1 of veteran spouses and eligible children. The amount of the fee  
 2 shall not exceed the reasonable costs to the department for  
 3 interment in the cemetery.

4 (2) Subject to Section 1418, for the purposes of this subdivision,  
 5 the department shall adopt regulations to specify the eligibility  
 6 requirements for interment in the cemetery.

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

10 1412. (a) For the purposes of Section 1410, all local  
 11 government entities in Orange County may join together for the  
 12 purpose of cooperating with the department in the design,  
 13 development, construction, and equipment of the cemetery.

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

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

31 ~~(2) It is the intent of the Legislature that, after the construction~~  
 32 ~~of the cemetery, an estimated \_\_\_\_\_ dollars (\$\_\_\_\_\_) should be~~  
 33 ~~appropriated annually by the Legislature in the annual Budget Act~~  
 34 ~~or the participating southern California counties, or both, to the~~  
 35 ~~department for the operating costs of the cemetery.~~

36 ~~(3) It is the intent of the Legislature that total expenditures for~~  
 37 ~~operations and maintenance should not be more than \_\_\_\_\_ dollars~~  
 38 ~~(\$\_\_\_\_\_) per fiscal year, as appropriated in the annual Budget Act.~~

39 *(2) It is the intent of the Legislature to appropriate funds in the*  
 40 *annual Budget Act to fund annual cemetery operations and*

1 *maintenance and to enact any additional legislation that may be*  
2 *necessary to set dollar limits on funding for those operations and*  
3 *that maintenance.*

4 1414. (a) Proposals for the construction, placement, or donation  
5 of monuments and memorials to the cemetery shall be subject to  
6 review by an advisory committee comprised of the cemetery  
7 administrator, representatives from local government entities within  
8 Orange County, local veterans' service organizations, and others  
9 as approved by the secretary.

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

13 (c) Subject to Section 1418, the department shall adopt  
14 regulations for the policies and procedures to be followed with  
15 respect to the construction, placement, donation, and approval of  
16 monuments and memorials proposed to be placed on the cemetery  
17 grounds.

18 1416. (a) Notwithstanding Section 11005 of the Government  
19 Code, the cemetery administrator, subject to the approval of the  
20 secretary, may accept donations of personal property, including  
21 cash or other gifts, to be used for the maintenance, beautification,  
22 or repair of the cemetery.

23 (b) Cash donations made pursuant to subdivision (a) shall be  
24 deposited into the Southern California Veterans Cemetery  
25 Donations Fund, which is hereby created. Notwithstanding Section  
26 13340 of the Government Code, moneys in the fund are  
27 continuously appropriated to the department for the maintenance,  
28 beautification, and repair of the cemetery or, subject to the approval  
29 of the secretary, for a specified cemetery maintenance or  
30 beautification project designated by the donor.

31 1418. For purposes of carrying out the provisions of this  
32 chapter, the department may adopt regulations. All regulations  
33 adopted pursuant to this chapter shall be adopted pursuant to the  
34 Administrative Procedure Act (Chapter 3.5 (commencing with  
35 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
36 Code).

37 SEC. 2. It is the intent of the Legislature to appropriate funds  
38 in the annual Budget Act to support the Department of Veterans  
39 Affairs in carrying out the provisions of Chapter 9.5 (commencing  
40 with Section 1410) of Division 6 of the Military and Veterans

1 Code. If no appropriation is made for these purposes, the  
2 Department of Veterans Affairs shall not be required to comply  
3 with the provisions of Chapter 9.5 (commencing with Section  
4 1410) of Division 6 of the Military and Veterans Code.

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

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