

AMENDED IN SENATE AUGUST 19, 2014

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AMENDED IN SENATE JUNE 19, 2014

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, 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 *to be located at a specified site in the City of Irvine*. Subject to specified requirements described in federal law, the bill would make ~~all~~ honorably discharged ~~veterans and veterans~~, their spouses, and *eligible dependent* 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 dependent* 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 expenditure of the moneys in those funds subject to appropriation by the Legislature. The bill would declare the intent of the Legislature to appropriate funds in the annual Budget Act to fund annual cemetery operations and maintenance and to enact other related necessary additional legislation.*

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, 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 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 appropriate \$500,000 from the General Fund to the department to be used for the grant proposal, as described below. The bill would declare the intent of the Legislature to appropriate funds in the annual Budget Act to support the department in carrying out these provisions. The bill would specify that if no appropriation is made for those purposes, the department would not be required to comply with 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 100% of the estimated cost for designing, developing, constructing, and equipping the ~~cemetery~~.

~~The cemetery.~~ The bill would declare the intent of the Legislature to prohibit the expenditure of *specified* moneys appropriated to the department until the department has received written approval of the grant 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.~~ *state*.

Vote: ~~majority~~^{2/3}. 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:

1 CHAPTER 9.5. SOUTHERN CALIFORNIA VETERANS CEMETERY

2

3 1410. (a) (1) The department, in voluntary cooperation with
4 local government entities in Orange County pursuant to Section
5 1412, shall design, develop, construct, and equip a state-owned
6 and state-operated Southern California Veterans Cemetery, which
7 shall be located ~~in Orange County, California.~~ *at the site of the*
8 *former Marine Corps Air Station El Toro, on 125 acres known as*
9 *the Amended and Restated Development Agreement Site in the*
10 *Great Park in the City of Irvine.*

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 veterans,*
18 *their spouses, and eligible dependent children* are eligible for
19 interment in the cemetery. The department shall establish a fee to
20 be charged for interment of veteran spouses and *eligible dependent*
21 *children.* The amount of the fee shall not exceed the reasonable
22 costs to the department for interment in the cemetery.

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

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

29 1412. (a) For the purposes of Section 1410, all local
30 government entities in Orange County may join together for the
31 purpose of cooperating with the department in the design,
32 development, construction, and equipment of the cemetery.

33 (b) All moneys received for the design, development,
34 construction, and equipment of the cemetery shall be deposited in
35 the Southern California Veterans Cemetery Master Development
36 Fund, which is hereby created in the State Treasury.
37 ~~Notwithstanding Section 13340 of the Government Code, moneys~~
38 ~~in the fund are continuously appropriated to the department for~~
39 ~~the purpose of designing, developing, constructing, and equipping~~
40 ~~the cemetery.~~ *Expenditure of those moneys shall be subject to*

1 *appropriation by the Legislature in the annual Budget Act.* Moneys
2 appropriated by the Legislature for these purposes shall also be
3 deposited in the fund.

4 (c) (1) Except as otherwise provided in Section 1416, all
5 moneys received for the maintenance of the cemetery, including
6 moneys received pursuant to subdivision (b) of Section 1410, shall
7 be deposited in the Southern California Veterans Cemetery
8 Perpetual Maintenance Fund, which is hereby created in the State
9 Treasury. ~~Any state funding for the annual maintenance of the~~
10 ~~cemetery shall be appropriated by the Legislature in the annual~~
11 ~~Budget Act.~~ *Expenditure of those moneys shall be subject to*
12 *appropriation by the Legislature in the annual Budget Act.*

13 (2) It is the intent of the Legislature to appropriate funds in the
14 annual Budget Act to fund annual cemetery operations and
15 maintenance and to enact any additional legislation that may be
16 necessary to set dollar limits on funding for those operations and
17 that maintenance.

18 1414. (a) Proposals for the construction, placement, or donation
19 of monuments and memorials to the cemetery shall be subject to
20 review by an advisory committee comprised of the cemetery
21 administrator, representatives from local government entities within
22 Orange County, local veterans' service organizations, and others
23 as approved by the secretary.

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

27 (c) Subject to Section 1418, the department shall adopt
28 regulations for the policies and procedures to be followed with
29 respect to the construction, placement, donation, and approval of
30 monuments and memorials proposed to be placed on the cemetery
31 grounds.

32 1416. (a) Notwithstanding Section 11005 of the Government
33 Code, the cemetery administrator, subject to the approval of the
34 secretary, may accept donations of personal property, including
35 cash or other gifts, to be used for the maintenance, beautification,
36 or repair of the cemetery.

37 (b) Cash donations made pursuant to subdivision (a) shall be
38 deposited into the Southern California Veterans Cemetery
39 Donations Fund, which is hereby created. Notwithstanding Section
40 13340 of the Government Code, moneys in the fund are

1 continuously appropriated to the department for the maintenance,
2 beautification, and repair of the cemetery or, subject to the approval
3 of the secretary, for a specified cemetery maintenance or
4 beautification project designated by the donor.

5 1418. For purposes of carrying out the provisions of this
6 chapter, the department may adopt regulations. All regulations
7 adopted pursuant to this chapter shall be adopted pursuant to the
8 Administrative Procedure Act (Chapter 3.5 (commencing with
9 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
10 Code).

11 *SEC. 2. The Legislature hereby appropriates five hundred*
12 *thousand dollars (\$500,000) from the General Fund to the*
13 *Department of Veterans Affairs for completion of the preliminary*
14 *or conceptual design work required during the preapplication*
15 *phase of the grant proposal described in Section 4 of this act.*

16 ~~SEC. 2.~~

17 *SEC. 3.* It is the intent of the Legislature to appropriate funds
18 in the annual Budget Act to support the Department of Veterans
19 Affairs in carrying out the provisions of Chapter 9.5 (commencing
20 with Section 1410) of Division 6 of the Military and Veterans
21 Code. If no appropriation is made for these purposes, the
22 Department of Veterans Affairs shall not be required to comply
23 with the provisions of Chapter 9.5 (commencing with Section
24 1410) of Division 6 of the Military and Veterans Code.

25 ~~SEC. 3.~~

26 *SEC. 4.* (a) The Department of Veterans Affairs shall apply
27 to the Veterans Cemetery Grants Program of the federal
28 Department of Veterans Affairs for a grant of not more than 100
29 percent of the estimated cost for designing, developing,
30 constructing, and equipping the cemetery.

31 (b) It is the intent of the Legislature that the moneys to be
32 appropriated in the annual Budget Act under Section ~~2~~ 3 of this
33 act are not expended until the Department of Veterans Affairs has
34 received written approval of the grant requested under subdivision
35 (a) and a commitment from the federal Veterans Cemetery Grants
36 Program that the funds appropriated under the grant are available
37 for expenditure by the state, ~~except it is the intent of the Legislature~~
38 ~~that the department may expend an amount necessary for~~

- 1 completion of the grant proposal from the funds intended by the
- 2 Legislature to be appropriated under Section 2: *state*.

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