

Assembly Bill No. 1453

CHAPTER 646

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.

[Approved by Governor September 27, 2014. Filed with
Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, 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 honorably discharged 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 and would require all moneys received for the design, development, construction, and equipment of the cemetery to be deposited in this fund. 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 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 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 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.

Appropriation: yes.

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

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

CHAPTER 9.5. SOUTHERN CALIFORNIA VETERANS CEMETERY

1410. (a) (1) The department, in voluntary cooperation with local government entities in Orange County pursuant to Section 1412, shall design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery, which shall be located at the site of the former Marine Corps Air Station El Toro, on 125 acres known as the Amended

and Restated Development Agreement Site in the Great Park in the City of Irvine.

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

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

(b) (1) Subject to the eligibility requirements described in Section 2402 of Title 38 of the United States Code, as amended from time to time, honorably discharged veterans, their spouses, and eligible dependent children are eligible for interment in the cemetery. The department shall establish a fee to be charged for interment of veteran spouses and eligible dependent children. The amount of the fee shall not exceed the reasonable costs to the department for interment in the cemetery.

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

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

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

(b) All moneys received for the design, development, construction, and equipment of the cemetery shall be deposited in the Southern California Veterans Cemetery Master Development Fund, which is hereby created in the State Treasury. Expenditure of those moneys shall be subject to appropriation by the Legislature in the annual Budget Act. Moneys appropriated by the Legislature for these purposes shall also be deposited in the fund.

(c) (1) Except as otherwise provided in Section 1416, all moneys received for the maintenance of the cemetery, including moneys received pursuant to subdivision (b) of Section 1410, shall be deposited in the Southern California Veterans Cemetery Perpetual Maintenance Fund, which is hereby created in the State Treasury. Expenditure of those moneys shall be subject to appropriation by the Legislature in the annual Budget Act.

(2) It is 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.

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

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

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

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

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

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

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

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

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

(b) It is the intent of the Legislature that the moneys to be appropriated in the annual Budget Act under Section 3 of this act are not expended until the Department of Veterans Affairs has received written approval of the grant requested under subdivision (a) and a commitment from the federal Veterans Cemetery Grants Program that the funds appropriated under the grant are available for expenditure by the state.