

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE MAY 1, 2013

SENATE BILL

No. 725

Introduced by Senator Anderson

February 22, 2013

An act to amend Sections 1260, 1261, 1262, 1264, and 1266 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 725, as amended, Anderson. Veterans buildings and memorials: county and city property: veterans service organizations: nonprofit veteran service agencies: retrofit and remodel.

Under existing law, a county may not revoke the dedication of specified facilities to a veterans' association, so long as the veterans' association has not violated the terms and conditions of the dedication, unless it dedicates substitute facilities or unless the veterans' organization has either consented to the proposed county action or has abandoned its use of the facilities.

This bill would extend this law to cities, cities and counties, and nonprofit veteran service agencies, as defined. This bill would also provide that a property is not considered abandoned if the veterans association, veterans service organization, or nonprofit veteran service agency is required to move from the property in order for the property to undergo seismic retrofitting or remodeling, ~~and that the veterans association, veterans service organization, or nonprofit veteran service~~

agency is to be allowed to return to its previous space in the property upon completion of any retrofit or remodeling.

This bill would make technical, nonsubstantive changes to change references to veterans’ association to veterans association or veterans service organization.

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

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

1 SECTION 1. Section 1260 of the Military and Veterans Code
2 is amended to read:

3 1260. As used in this chapter, unless the context otherwise
4 indicates:

5 (a) “Political subdivision” means any city, county, district, or
6 other local governmental agency.

7 (b) “Governing body” means the board of supervisors in the
8 case of a county, or the city council or board of trustees or other
9 governing board in the case of a city, district, or other local
10 governmental agency.

11 (c) “Veterans association” or “veterans service organization”
12 means any association or organization which is composed solely
13 of persons who served honorably in time of war or in time of peace
14 in a campaign or expedition for service in which a medal has been
15 authorized by the government of the United States, as members
16 of the Armed Forces of the United States, or who as citizens of
17 the United States served honorably in time of war as members of
18 the armed forces of any nation whose government was allied with
19 the United States during that war, and which is organized for
20 patriotic, fraternal, and benevolent objects.

21 (d) “Nonprofit veteran service agency” shall have the meaning
22 given in Section 999.51 of the Military and Veterans Code.

23 SEC. 2. Section 1261 of the Military and Veterans Code is
24 amended to read:

25 1261. Any political subdivision may lease any lot or building
26 or part thereof belonging to it and not required for public use, for
27 not exceeding 20 years, or may acquire and lease or sublease any
28 lot or building or part thereof for not exceeding 20 years, to a
29 veterans association, veterans service organization, or nonprofit
30 veteran service agency organized in such political subdivision, to

1 be used for the purposes of the veterans association, veterans
2 service organization, or nonprofit veteran service agency. The
3 rental shall be fixed by the governing body of the political
4 subdivisions, and may be nominal in amount.

5 SEC. 3. Section 1262 of the Military and Veterans Code is
6 amended to read:

7 1262. Any county may provide, maintain, or provide and
8 maintain buildings, memorial halls, meeting places, memorial
9 parks, or recreation centers for the use or benefit of one or more
10 veterans associations, veterans service organizations, or nonprofit
11 veteran service agencies. For these purposes the board of
12 supervisors of any county may:

13 (a) Purchase, receive by donation, condemn, lease, or acquire
14 real or personal property necessary for such buildings, memorial
15 parks, or recreation centers, and improve, preserve, manage, and
16 control the same.

17 (b) Purchase, construct, lease, furnish, or repair such buildings,
18 and provide custodians, employees, attendants, and supplies for
19 the proper maintenance thereof.

20 (c) Clear, grade, plant, irrigate, fence, and improve such
21 memorial parks, or recreation centers, and provide custodians,
22 employees, attendants, and supplies for the proper maintenance
23 thereof.

24 (d) Furnish sites for such buildings to be built by or for such
25 organizations, and furnish sites for the erection thereon of such
26 buildings, the funds for which shall be supplied by county
27 authorities or from other sources. Any part or portion of any public
28 lot, block, or park may be used for such purpose.

29 (e) Levy a special tax pursuant to Article 3.5 (commencing with
30 Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of
31 the Government Code, and spend the proceeds for the purposes of
32 this chapter.

33 (f) Establish a fund for the purposes hereof, and transfer from
34 the General Fund to such fund such moneys as the board deems
35 necessary.

36 (g) Incur, in the manner provided by law, a bonded indebtedness
37 on behalf of the county for any of the purposes hereof.

38 (h) Join with any incorporated city in the county in the
39 accomplishment of the above purposes and to that end hold jointly
40 with such city all property acquired, and expend money in

1 conjunction with such city in accomplishing the above purposes.
 2 Title to any property jointly so acquired by a county and a city
 3 may at any time be conveyed by either of the joint owners to the
 4 other without consideration other than to carry out the purposes
 5 of this section.

6 (i) Join with memorial districts in the purchase, acquisition, or
 7 construction of memorial halls, assembly halls, buildings, or
 8 meeting places, or in the accomplishment of any other purpose for
 9 which a memorial district has been organized, using the funds
 10 authorized to be raised by this section. Title to any property so
 11 purchased, acquired, or constructed may be taken in the name of
 12 the memorial district or jointly with the county, or the county may
 13 convey any property so acquired, purchased, or constructed to the
 14 memorial district without consideration to the county. The board
 15 of supervisors may transfer to a memorial district funds raised
 16 pursuant to this section to be expended by the district in furtherance
 17 of the purposes of the district under terms and conditions consistent
 18 with the purposes for which the funds were raised.

19 SEC. 4. Section 1264 of the Military and Veterans Code is
 20 amended to read:

21 1264. The governing body maintaining any facilities
 22 constructed or maintained pursuant to this chapter may provide
 23 for the use of such facilities by persons or organizations other than
 24 veterans, either free of charge or for stated compensation to aid in
 25 defraying the cost of maintenance, for any purpose not inconsistent
 26 with the continued use pursuant to this chapter, when such use will
 27 not unduly interfere with the reasonable use of the facilities by a
 28 veterans association, veterans service organization, or nonprofit
 29 veteran service agency.

30 SEC. 5. Section 1266 of the Military and Veterans Code is
 31 amended to read:

32 1266. (a) Whenever a city, county, or city and county has
 33 provided, maintained, or provided and maintained any building,
 34 memorial hall, meeting place, memorial park, or recreation center
 35 for the use or benefit of one or more veterans associations, veterans
 36 service organizations, or nonprofit veteran service agencies
 37 pursuant to Section 1262 or Section 37461 of the Government
 38 Code, the provision of that facility and its acceptance by the
 39 veterans associations, veterans service organizations, or nonprofit
 40 veteran service agencies constitutes a dedication of that property

1 to a public purpose, and the city, county, or city and county may
2 not revoke the dedication, so long as the veterans associations,
3 veterans service organizations, or nonprofit veteran service
4 agencies have not violated the terms and conditions of the
5 dedication, unless *the city, county, or city and county dedicates*
6 *substitute facilities or unless* the veterans associations, veterans
7 service organizations, or nonprofit veteran service agencies have
8 either consented to the proposed city, county, or city and county
9 action or have abandoned use of the facilities.

10 (b) For purposes of subdivision (a), a property shall not be
11 considered abandoned if the veterans association, veterans service
12 organization, or nonprofit veteran service agency is required to
13 move from the property in order for the property to undergo seismic
14 retrofitting or remodeling. ~~Upon completion of any retrofit or~~
15 ~~remodeling, the veterans associations, veterans service~~
16 ~~organizations, or nonprofit veteran service agencies shall be~~
17 ~~allowed to return to their previous space in the property or be given~~
18 ~~comparable substitute space therein.~~

19 SEC. 6. The Legislature finds and declares that uniformly
20 enforcing veterans organizations' rights to use facilities dedicated
21 pursuant to Section 1266 of the Military and Veterans Code is a
22 matter of statewide concern, and not a municipal affair, as that
23 term is used in Section 5 of Article XI of the California
24 Constitution.