

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. ~~The~~ *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.

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. 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~~ *moneys* 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 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) ~~All~~ *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  
20 of veteran spouses and *eligible* children. The amount of the fee  
21 shall not exceed the reasonable costs to the department for  
22 interment in the cemetery.

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

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

7 1412. (a) For the purposes of Section 1410, all local  
8 government entities in Orange County may join together for the  
9 purpose of cooperating with the department in the design,  
10 development, construction, and equipment of the cemetery.

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

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

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

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

36 1414. (a) Proposals for the construction, placement, or donation  
37 of monuments and memorials to the cemetery shall be subject to  
38 review by an advisory committee comprised of the cemetery  
39 administrator, representatives from local government entities within

1 Orange County, local veterans' service organizations, and others  
2 as approved by the secretary.

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

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

11 1416. (a) Notwithstanding Section 11005 of the Government  
12 Code, the cemetery administrator, subject to the approval of the  
13 secretary, may accept donations of personal property, including  
14 cash or other gifts, to be used for the maintenance, beautification,  
15 or repair of the cemetery.

16 (b) Cash donations made pursuant to subdivision (a) shall be  
17 deposited into the Southern California Veterans Cemetery  
18 Donations Fund, which is hereby created. Notwithstanding Section  
19 13340 of the Government Code, ~~money moneys~~ in the fund *is are*  
20 continuously appropriated to the department for the maintenance,  
21 beautification, and repair of the cemetery or, subject to the approval  
22 of the secretary, for a specified cemetery maintenance or  
23 beautification project designated by the donor.

24 1418. For purposes of carrying out the provisions of this  
25 chapter, the department may adopt regulations. All regulations  
26 adopted pursuant to this chapter shall be adopted pursuant to the  
27 Administrative Procedure Act (Chapter 3.5 (commencing with  
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code).

30 SEC. 2. It is the intent of the Legislature to appropriate funds  
31 in the annual Budget Act to support the Department of Veterans  
32 Affairs in carrying out the provisions of Chapter 9.5 (commencing  
33 with Section 1410) of Division 6 of the Military and Veterans  
34 Code. If no appropriation is made for these purposes, the  
35 Department of Veterans Affairs shall not be required to comply  
36 with the provisions of Chapter 9.5 (commencing with Section  
37 1410) of Division 6 of the Military and Veterans Code.

38 SEC. 3. (a) The Department of Veterans Affairs shall apply  
39 to the Veterans Cemetery Grants Program of the federal  
40 Department of Veterans Affairs for a grant of not more than 100

1 percent of the estimated cost for designing, developing,  
2 constructing, and equipping the cemetery.

3 (b) It is the intent of the Legislature that the ~~money~~ *moneys* to  
4 be appropriated in the annual Budget Act under Section 2 of this  
5 act ~~is~~ *are* not expended until the Department of Veterans Affairs  
6 has received written approval of the grant requested under  
7 subdivision (a) and a commitment from the federal Veterans  
8 Cemetery Grants Program that the funds appropriated under the  
9 grant are available for expenditure by the state, except it is the  
10 intent of the Legislature that the department may expend an amount  
11 necessary for completion of the grant proposal from the funds  
12 intended by the Legislature to be appropriated under Section 2.