

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 and a city~~ *cities, cities and county counties, and nonprofit veteran service agencies, as defined*. This bill would also provide that a property is not considered abandoned if the veterans ~~association or association, veterans service organization 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 or association, veterans service organization 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 or association~~, veterans service ~~organization~~
 30 *organization, or nonprofit veteran service agency* organized in

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

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

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

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

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

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

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

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

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

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

39 (h) Join with any incorporated city in the county in the
40 accomplishment of the above purposes and to that end hold jointly

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

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

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

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

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

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

1 facility and its acceptance by the veterans ~~associations or~~
2 ~~associations~~, veterans service ~~organizations~~ *organizations, or*
3 *nonprofit veteran service agencies* constitutes a dedication of that
4 property to a public purpose, and the city, county, or city and
5 county may not revoke the dedication, so long as the veterans
6 ~~associations or~~ *associations*, veterans service ~~organizations~~
7 *organizations, or nonprofit veteran service agencies* have not
8 violated the terms and conditions of the dedication, unless ~~it~~
9 ~~dedicates substitute facilities or unless~~ the veterans ~~associations~~
10 ~~or associations~~, veterans service ~~organizations~~ *organizations, or*
11 *nonprofit veteran service agencies* have either consented to the
12 proposed city, county, or city and county action or have abandoned
13 use of the facilities.

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

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