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AB-1595 Veterans cemetery: County of Orange. (2021-2022)

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Assembly Bill No. 1595

CHAPTER 579

An act to amend Sections 1410 and 1412 of the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1595, Quirk-Silva. Veterans cemetery: County of Orange.

Existing law requires the Department of Veterans Affairs to acquire, study, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery in the County of Orange at one of 2 possible sites, as specified. Existing law requires the department to, after completing acquisition studies on both sites, consult with the Department of General Services to determine which site to pursue based on the economic feasibility, benefits to veterans and City of Irvine residents, and availability of each location. Existing law makes honorably discharged veterans, their spouses, and dependent children eligible for interment in the cemetery, as specified.

This bill would delete those site selection requirements and would instead require the department to acquire, study, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery in the County of Orange. The bill would require the department to conduct an acquisition study, in consultation with the Department of General Services, to assess the feasibility and costs of construction of the cemetery.

The bill would additionally create the Southern California Veterans Cemetery Study Donation Fund, and would authorize any local governmental entity or private organization in the County of Orange to donate to the fund. The bill would authorize the department, upon receipt of sufficient moneys, to conduct a study of the feasibility of a site formally proposed by a local government in the County of Orange for the purpose of establishing a Southern California Veterans Cemetery, as specified. The bill would continuously appropriate moneys in the fund to the department for these purposes. The bill would require any excess funds to be returned to the donor if requested, and to otherwise be used for the design, development, construction, and equipment of the cemetery.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature that, except as provided in paragraph (2) of subdivision (b) of Section 1412 of the Military and Veterans Code, this act does not make any appropriation of funds for the purpose of a study conducted pursuant to

paragraph (2) of subdivision (a) of Section 1410 of the Military and Veterans Code. It is the intent of the Legislature that the Department of Veterans Affairs take all steps necessary to carry out and effectuate the intent of this act.

SEC. 2. Section 1410 of the Military and Veterans Code is amended to read:

1410. (a) (1) Pursuant to Section 1412, the department, in voluntary cooperation with local government entities in the County of Orange, shall first study and then acquire, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery, which shall be located in the County of Orange. To qualify for this paragraph, a site shall have been studied by the department and the Department of General Services.

(2) The department shall conduct an acquisition study, in consultation with the Department of General Services, to assess the feasibility and costs of construction of the Southern California Veterans Cemetery.

(3) The department shall oversee and coordinate the study and subsequent acquisition, design, development, and construction of the cemetery.

(4) 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 it may be amended, honorably discharged veterans and 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.

SEC. 3. Section 1412 of the Military and Veterans Code is amended to read:

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

(b) (1) All moneys received for the study and subsequent acquisition, 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.

(2) There is hereby created in the State Treasury the Southern California Veterans Cemetery Study Donation Fund. Notwithstanding paragraph (1), any local governmental entity or private organization in the County of Orange may donate moneys to the fund for the purpose of funding a study as described in paragraph (3). Moneys in the fund are continuously appropriated to the department for studies consistent with paragraph (3).

(3) (A) Upon receipt of sufficient moneys to complete a study, the department may study the feasibility of a site formally proposed by a local government in the County of Orange for the purpose of establishing a Southern California Veterans Cemetery, as described in subdivision (a) of Section 1410.

(B) Upon completion of the study, any excess funds shall be returned to the donor if requested or used to reimburse the state for expenditures made by the state for the purposes described in subdivision (a) of Section 1410.

(C) Any study conducted pursuant to this paragraph shall include, but not be limited to, an analysis of cost, legal, logistical, environmental, and fire hazard factors in the evaluation of the site, and an analysis of whether the proposed site meets the basic federal requirements for a federally recognized veterans cemetery.

(c) (1) Except as otherwise provided in Section 1416, all moneys received for the operation and 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.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

It is necessary that this act take effect immediately in order to commence with the design, development, and construction of the Southern California Veterans Cemetery at the earliest possible time.