

Date of Hearing: July 2, 2013

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS
Al Muratsuchi, Chair
SB 725 (Anderson) – As Amended: June 26, 2013

SENATE VOTE: 36-0

SUBJECT: Veterans buildings and memorials: county and city property: veterans service organizations: retrofit and remodel

SUMMARY: Expands the prohibitions in existing law whereby, a county may not revoke the dedication of specified facilities to a veterans' association.

Specifically, this bill:

- 1) Directs that whenever a city, county, or city and county has provided, maintained, or provided and maintained any building, memorial hall, meeting place, memorial park, or recreation center for the use or benefit of one or more veterans' associations, veterans service organizations, or non-profit veterans service agencies pursuant to Section 1262, the 1262 or Section 37461 of the Government Code, the provision of that facility and its acceptance by the veterans' association, veterans service organizations, or non-profit veterans service agencies constitutes a dedication of that property to a public purpose, and the city, county, or city and county may not revoke the dedication, so long as the veterans associations, veterans service organizations, or non-profit veterans service agencies have not violated the terms and conditions of the dedication, or unless the veterans associations, veterans service organizations, or non-profit veterans service agencies have either consented to the proposed city, county, or city and county action or have abandoned their use of the facilities.
- 2) Clarifies that property shall not be considered abandoned if the veterans association, veterans service organization, or non-profit veterans service agency is required to move from the property in order for the property to undergo seismic retrofitting or remodeling.
- 3) Directs that upon completion of any retrofit or remodeling, the veterans association, veterans service organization, or non-profit veterans service agency shall be allowed to return to its previous space in the property or comparable substitute space.
- 4) Makes a legislative finding and declaration that uniformly enforcing veterans organizations' rights to use facilities dedicated pursuant to Section 1266 of the Military and Veterans Code is a matter of statewide concern, and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

EXISTING LAW:

- 1) Does not define veterans service organization.
- 2) Does not include veterans service organizations or non-profit veterans service agencies as entities to which a political subdivision may lease a public building or lot not required for public use.

- 3) Does not include veterans service organizations or non-profit veterans service agencies among those for which a county may provide and maintain buildings, memorial halls, etc.
- 4) States that whenever a county has provided, maintained, or provided and maintained any place as specified for the use or benefit of one or more veterans' associations, the provision of that facility and its acceptance by the veterans' association constitutes a dedication of that property to a public purpose.
- 5) States that the county may not revoke the dedication, so long as the veterans' association has not violated the terms and conditions of the dedication, unless:
 - a) The county dedicates substitute facilities, or
 - b) The veterans' organization has either consented to the proposed county action, or
 - c) The veterans organization has abandoned its use of the facilities.

FISCAL EFFECT: Unknown at this time. This bill is not keyed fiscal.

COMMENTS: Shortly after World War I, California law authorized counties and cities to provide and maintain buildings, memorials, or meeting places for the use of veterans' organizations (SB 935, Irwin, 1921 and AB 688, Burns, 1927).

In 2009, the Los Angeles County Board of Supervisors approved a \$45.3 million renovation of the Bob Hope Patriotic Hall, which was built in 1925. According to the *Los Angeles Times*, the renovation included replacement of the building's mechanical, electrical, plumbing, and ventilation systems. Tenants were moved out of the building into temporary quarters until the renovation was completed. In 2012, as the project neared completion, several veterans groups, including the American Legion, expressed concern that they would not be getting their original office space back, creating concern that a veterans' organization's right of return could be in question.

According to the author:

As aging public places throughout California gradually require repair and upkeep, good intentions sometimes suffer from confusion and uncertainty. One example is described by LA Downtown News: "Patriotic Hall has been home primarily to various veterans' organizations. These groups moved out in 2006 when the building was closed. Several of the groups, including American Legion Post 8 are in temporary offices on Grand Avenue and intend on returning to Patriotic Hall when the renovations are complete in 2012. The original deed specified that the building must remain a veteran's facility as long as such groups wanted to stay there, but with the dwindling amount of veterans since World War II, the building has been used for other things..."

According to the Los Angeles Times, "On September 8 2009, the County of Los Angeles Board of Supervisors approved a \$45.3 million project to renovate the historic Bob Hope Patriotic Hall. The renovation includes replacement of the building's mechanical, electrical, plumbing, and ventilation systems; renovation of the 10th floor gymnasium, full service kitchen, and vertical transportation systems; restoration of the 474-seat auditorium, American with Disabilities Act upgrades, and landscaping and

reconfiguration of the existing surface parking lot. The building's historic features have been restored in accordance with the Secretary of the Interior's Standards. The renovation is also anticipated to achieve the Leadership in Energy and Environmental Design (LEED) Silver Certification upon its completion, which is anticipated in the Spring of 2013."

This bill makes it abundantly clear that a tenant's moving out for purposes of remodeling or seismic retrofitting does not constitute abandonment.

This bill modernizes the entities to which property may be dedicated to reflect the various service groups which have evolved to support veterans. It will now be clear that property may be dedicated for use of veterans associations, veterans service organizations, and non-profit veterans service organizations.

Under existing law a county may revoke a dedication to a veterans group in several ways. A dedication may be revoked:

- 1) By operation of its terms. For example, the dedication may be only for a certain number of years;
- 2) If the veterans group violates the terms of the dedication;
- 3) If the veterans group consents;
- 4) If the veterans group abandons the property; or
- 5) If the County dedicates substitute facilities to the group.

Policy Issue for Members: This bill does represent a policy shift to limit the existing power of a county to move veterans groups from dedicated property at any time if substitute facilities are dedicated. Cities and counties will no longer be able to move veterans groups from a location at any time by dedicating substitute facilities.

Under this proposal a dedication may be revoked:

- 1) By operation of its terms. For example, the dedication may be only for a certain number of years;
- 2) If the veterans group violates the terms of the dedication;
- 3) If the veterans group consents; or
- 4) If the veterans group abandons the property.

The bill also clarifies the return rights of groups moved out temporarily for retrofitting as well as the location and nature of "substitute facilities" to for the veterans group on completion of the retrofitting. Under this bill the veterans group may return to its former space in a property after a seismic retrofit or remodel unless it is given comparable substitute space in the same property.

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion-Department of California,
AMVETS Department of California
California Association of County Veterans Service Officers

California State Commanders Veterans Council
VFW-Department of California
Vietnam Veterans of America-California State Council

Opposition

None at this time.

Analysis Prepared by: John Spangler / V. A. / (916) 319-3550