

Date of Hearing: April 29, 2014

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS  
Sharon Quirk-Silva, Chair  
SB 722 (Correa) – As Amended: April 22, 2014

SENATE VOTE: 33-0

SUBJECT: California Mexican American Veterans' Memorial Beautification and Enhancement Fund: extension of operation.

SUMMARY: Extends the sunset date for the California Mexican American Veterans' Memorial Beautification and Enhancement Account, as specified. Specifically, this bill:

- 1) Changes the sunset date for reversion to the General Fund of any moneys remaining in the California Mexican American Veterans' Memorial Beautification and Enhancement Account from July 1, 2014 to July 1, 2016
- 2) Contains an urgency clause.
- 3) Specifies that in order to prevent the expiration of funding needed for the beautification and enhancement of the California Mexican American Veterans' Memorial, it is necessary for this act to take effect immediately.

EXISTING LAW:

- 1) Establishes the California Mexican American Veterans' Memorial Beautification and Enhancement Committee (Committee) under the jurisdiction of the Department of Veterans Affairs (CALVET), to oversee enhancement of an existing memorial on state grounds, and provides for its composition (seven members) and duties.
- 2) Authorizes the Committee to, among other things, establish a schedule for the design, construction, and dedication of the memorial, solicit designs and devise a process for selection of the final design, monitor construction, and consult with and obtain final design and site orientation approval from the Department of General Services and the CALVET Secretary.
- 3) Requires the Committee to notify the Governor and the CALVET Secretary when the beautification and enhancement of the memorial is complete.
- 4) Provides that any monies remaining in the California Mexican American Veterans' Memorial Beautification and Enhancement Account will revert to the General Fund on July 1, 2014.

FISCAL EFFECT: Unknown at this time. However, according to the Senate Appropriations Committee, "Potentially minor foregone revenue to the General Fund."

COMMENTS:

Shortly after the World War II armistice, a group of Mexican-American women, also known as the "Madres," banded together to create a memorial that would honor their husbands and sons who had died in the military service of the United States during the War.

Beginning in 1948, the Madres launched a fundraising drive to finance the memorial. Their efforts included vending homemade tamales and conducting raffle sales at their local church parishes and other venues.

Dedicated in May 1951, the memorial consisted of a statue of a solitary infantryman. Known as "El Soldado," the statue stood on the grounds of the Mexican American Center in Sacramento.

Weathered and worn over time, El Soldado remained at this site for decades until the location was rezoned by local government. The statue was donated to the State of California with the expectation that it would become an official and permanent state memorial. In 1975 El Soldado was moved to its present location across the street from the Main (West) entrance to the State Capitol.

Beginning with AB 1350 (Polanco) in 1993, several legislative measures addressed the modest statue memorial. AB 1350 authorized expansion and enhancement of El Soldado. The measure also established the 11-member California Mexican American Veterans' Memorial Beautification and Enhancement Commission as a non-governmental committee of citizens authorized to establish a schedule for its design, construction, and dedication; to solicit designs and devise a process for selection of the final design; and to monitor construction.

In addition, AB 1350 provided that funds for the enhancement would come from individuals voluntarily designating an amount on their state personal income tax returns (in excess of their tax liability) to the California Mexican American Veterans' Memorial Beautification and Enhancement Account, also created by the legislation.

This AB 1350 Commission had no significant activity for years, including public meetings, fundraising or memorial enhancements.

By the mid-2000s, community leaders, including members of the existing Commission, were working to enact legislation that would jumpstart the effort to enhance the El Soldado memorial. Authored by Senator Gloria Negrete McLeod (D-Chino), AB 599 was sponsored by the American G.I. Forum and the Mexican-American Veterans Memorial, Inc. The bill received no formal opposition and passed through both houses of the Legislature on consent.

SB 599 repealed the 11-member California Mexican American Veterans' Memorial Beautification and Enhancement Commission and created a new seven-member committee under the jurisdiction of the Department of Veterans Affairs.

The new Committee is made up of five gubernatorial appointees and one appointee each of the Senate President Pro Tempore and the Assembly Speaker. The Committee is authorized to establish a schedule for the design, construction and dedication of the enhanced memorial; to solicit and select designs that may be used to beautify the existing memorial; and to solicit and

receive contributions that will be used to off-set the costs of the enhancements and beautification project. None of the members receive compensation.

In recent years the Memorial Committee had difficulty proceeding on the project because there were not enough members to achieve a voting quorum. At the start of calendar year 2013, Governor Brown filled out the Committee by appointment and it began making progress.

The greatest challenge throughout the various life phases of the Memorial project has been fundraising. Only private donations can be used to support this state memorial.

Via SB 599, the Military and Veteran Code Section 1340 authorizes creation of the California Mexican American Veterans' Memorial Beautification and Enhancement Account within the General Fund. It specifies that all funds received by the Department of Veterans Affairs shall be deposited in the account for the design and construction of the California Mexican American Veterans' Memorial as specified in Section 1341.

Section 1341 provides for continuous appropriation of all funds for the project, but also states that, on July 1, 2014, any moneys remaining in the California Mexican American Veterans' Memorial Beautification and Enhancement Account shall revert to the General Fund.

In February 2013 the Senate Veterans Affairs Committee held an informational hearing on the status of the Memorial project. The Memorial Committee and CALVET say they now are pursuing a plan that would fund and construct the enhancements in three stages at the following levels, respectively: \$300,000, \$500,000, and \$800,000. According to their input, each stage would look like a completed memorial, but each new stage would add significant enhancements to the prior stage's design or landscaping.

During the informational hearing, the likely need to extend the funds reversion deadline was discussed. At that hearing, Senators Correa, Knight and senators in attendance agreed to author the extension.

#### Related Legislation

SB 599 (Negrete McLeod, Ch. 588, Stats. 2007) Repealed the original 11-member California Mexican American Veterans' Memorial Beautification and Enhancement Commission and created a new seven-member committee under the jurisdiction of the Department of Veterans Affairs. Also repealed the defunct associated tax check-off.

SB 1064 (Perata, Ch. 989, Stat 1999) Amended the minimum contribution section to specify that the California Mexican American Veterans Memorial Beautification and Enhancement Account would not be subject to the \$250,000 minimum contribution until 2001.

AB 2366 (Cedillo, Ch. 818, Stats.1998) Provided that the California Mexican American Veterans Memorial Beautification and Enhancement Account could be placed on the state income tax return for voluntary contributions when the department upon notification from the Veterans Memorial Commission that construction of the Veterans Memorial had commenced.

AB 1350 (Polanco, Ch. 1221, Stats. 1993) Established the Mexican American Veterans Memorial Beautification and Enhancement Account. This fund could not be placed on the state

income tax return for voluntary contribution until the Veteran's Memorial Fund came off the return, and the department was notified by the Veterans Memorial Commission prior to September 1 of any taxable year that the Veteran's Memorial had been completed.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Treasurer's Office  
American Legion Department of California  
AMVETS Department of California  
California Association of County Veteran Service Officers  
Military Officers Association of America California Council of Chapters  
California State Commanders Veterans Council  
Veterans of Foreign Wars, Department of California  
Vietnam Veterans of America, California State Council  
Veterans Caucus of the California Democratic Party

Opposition

None.

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