

AMENDED IN ASSEMBLY JUNE 20, 2002

AMENDED IN ASSEMBLY JUNE 12, 2002

AMENDED IN SENATE MAY 13, 2002

SENATE BILL

No. 1470

Introduced by Senator Johannessen

(Coauthors: Assembly Members Ashburn, Chavez, Chu, Dickerson,
Havice, Leach, Papan, and Wyland)

February 19, 2002

An act to amend Section 179 of the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1470, as amended, Johannessen. California State Military Museum.

Existing law authorizes the Adjutant General, the commander of all state military forces, to establish a California National Guard military museum and resource center as a repository for military artifacts, memorabilia, equipment, documents, and other items relating to the history of the California National Guard.

This bill would instead require the Adjutant General to establish a California State Military Museum and resource center, ~~appoint the Chief of Military History,~~ and enter into an operating agreement with the California Military Museum Foundation to conduct the day-to-day operations of the museum, as specified. The bill would limit state funding for these purposes to \$100,000 annually, and would appropriate that amount for each fiscal year from the General Fund to the California State Military Museum.

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

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 179 of the Military and Veterans Code
2 is amended to read:

3 179. (a) The Adjutant General shall establish a California
4 State Military Museum and resource center as a repository for
5 military artifacts, memorabilia, equipment, documents, and other
6 items relating to the history of the California National Guard, in
7 accordance with applicable regulations of the United States Army
8 governing Army museum activities, ~~and shall appoint the Chief of~~
9 ~~Military History to direct its operations.~~ *activities.* The museum
10 shall consist of the facility described in the Proclamation of the
11 Governor dated May 11, 1994, and any branches as may currently
12 exist or may from time-to-time be created throughout the state.
13 Each facility shall be deemed to be an armory within the meaning
14 of Section 430.

15 (b) The Adjutant General shall enter into an operating
16 agreement with the California Military Museum Foundation,
17 formerly known as the California National Guard Historical
18 Society, an existing California nonprofit public benefit
19 corporation, that is tax exempt under Section 501(c)(3) of the
20 Internal Revenue Code. Under the operating agreement with the
21 Adjutant General, the foundation shall operate the museum in
22 coordination with the California Center for Military History of the
23 California State Military Reserve. The foundation shall develop,
24 administer, interpret, and manage museum historical programs
25 and related public services, and acquire and manage funding for
26 museum programs and services.

27 (c) Volunteers, docents, members of the State Military
28 Reserve, or others working with or for the California Military
29 Museum Foundation for purposes consistent with the mission of
30 the organization, shall be considered volunteers under Sections
31 3118 and 3119 of the Government Code and Section 3363.5 of the
32 Labor Code.



1 (d) The Board of Trustees of the California Military Museum
2 Foundation shall include the Adjutant General, or the Assistant
3 Adjutant General, or any Deputy Adjutant General designated by
4 the Adjutant General, as an ex officio voting member of the board.
5 The board of trustees of the foundation shall be the governing
6 authority for operations funded through moneys received by the
7 foundation. The board of trustees of the foundation shall submit
8 an audit report annually to the Adjutant General. *The board of*
9 *trustees of the foundation shall submit copies of annual audit*
10 *reports to the Director of the Department of Finance, the Chair of*
11 *the Joint Legislative Audit Committee, and the Chair of the Joint*
12 *Legislative Budget Committee. No funds raised or assets acquired*
13 *by the foundation shall be used for purposes inconsistent with*
14 *support of the museum.*

15 (e) *The board of trustees of the California Military Museum*
16 *Foundation shall, no later than January 10 of each year, submit a*
17 *business plan for the following fiscal year to the Adjutant General,*
18 *the Director of the Department of Finance, and the Chair of the*
19 *Joint Legislative Budget Committee for review and comment. The*
20 *board of trustees shall also submit, not less than 30 days prior to*
21 *adoption, any proposed formal amendments to the business plan*
22 *to the Adjutant General, the Director of the Department of*
23 *Finance, and the Chair of the Joint Legislative Budget Committee*
24 *for review and comment.*

25 (f) The Adjutant General or the California State Military
26 Museum may solicit, receive, and administer donations of funds
27 or property for the support and improvement of the museum. Any
28 grants or donations received may be expended or used for museum
29 purposes. Property of historical significance, that is owned by the
30 state and is determined by the Adjutant General to be excess to the
31 needs of the Military Department, shall be transferred to the
32 museum. Property determined by ~~the Adjutant General~~ or the
33 California State Military Museum to be ~~excess to~~ *in excess of* the
34 needs of the museum may be sold, donated, exchanged, or
35 otherwise disposed of, at his or her discretion, in a manner
36 appropriate to the historical and intrinsic value of the property and
37 the benefits from the disposition shall inure to the museum.

38 ~~(f)~~
39 (g) The Adjutant General or the California State Military
40 Museum may solicit and receive firearms and other weaponry



1 confiscated by or otherwise in the possession of law enforcement
2 officers as donations to the museum if he or she deems them to be
3 of historical or military interest.

4 ~~(g)~~

5 (h) The Adjutant General shall, in cooperation with the
6 California State Military Museum, conduct a study of the future
7 needs of the National Guard to preserve, display, and interpret
8 artifacts, documents, photographs, films, literature, and other
9 items relating to the history of the military in California.

10 ~~(h)~~

11 (i) State funding for the purpose of this section is limited to one
12 hundred thousand dollars (\$100,000) annually.

13 SEC. 2. There is hereby appropriated the sum of one hundred
14 thousand dollars (\$100,000) for each fiscal year from the General
15 Fund to the California State Military Museum for the
16 establishment and operation of the museum and resource center
17 specified in Section 179 of the Military and Veterans Code.

18 SEC. 3. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety
20 within the meaning of Article IV of the Constitution and shall go
21 into immediate effect. The facts constituting the necessity are:

22 In order that the California State Military Museum may
23 commence operation at the earliest possible time, it is necessary
24 that this act take effect immediately.

