

AMENDED IN ASSEMBLY MARCH 22, 2007
AMENDED IN ASSEMBLY FEBRUARY 13, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 59

Introduced by Assembly Member Soto

December 4, 2006

An act to amend Section 179 of the Military and Veterans Code, relating to the military, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 59, as amended, Soto. California State Military Museum and Resource Center.

Existing law requires the Adjutant General to establish a California State Military Museum and Resource Center as a repository for military artifacts, memorabilia, equipment, documents, and other items related to the history of the California National Guard and memorabilia related to the Civil War, and to enter into an operating agreement with the California State Military Museum Foundation for the operation of the California State Military Museum and Resource Center, as specified. Existing law requires the board of trustees of the foundation to submit an audit report annually to the Adjutant General, and copies of annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. Existing law also requires the board of trustees to submit a business plan, no later than January 10 of each year, and any proposed formal amendments to the business plan, as provided, to the Adjutant General, the Director of Finance, and the Chair of the Joint Legislative Budget Committee.

This bill would require the board of trustees to also submit an audit report annually to the Director of Finance *and the Chair of the Joint Legislative Audit Committee*, and would delete the requirement that the board of trustees submit copies of annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. This bill would require the board of trustees to submit a business plan, no later than May 15 of each year, to the Adjutant General, *the Chair of the Joint Legislative Audit Committee*, and the Director of Finance, and would delete the requirements that the board of trustees submit a business plan to the Chair of the Joint Legislative Budget Committee, and any proposed formal amendments to the business plan to the Adjutant General, the Director of Finance, and the Chair of the Joint Legislative Budget Committee. This bill would also make technical, nonsubstantive changes to that provision.

Existing law appropriates the sum of \$100,000, for each fiscal year, from the General Fund to the California State Military Museum Foundation for the establishment and operation of the California State Military Museum and Resource Center, as provided.

This bill would continuously appropriate an additional sum of \$125,000 for the 2008–09 fiscal year, and for each fiscal year, from the General Fund to the California State Military Museum Foundation for the operation of the California State Military Museum and Resource Center, as provided.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~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 State
 4 Military Museum and Resource Center as a repository for military
 5 artifacts, memorabilia, equipment, documents, and other items
 6 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. The museum shall consist of
 9 the facility described in the Proclamation of the Governor dated
 10 May 11, 1994, and any branches as may currently exist or may
 11 from time to time be created throughout the state. Each facility

1 shall be deemed to be an armory within the meaning of Section
2 430.

3 (b) The Adjutant General shall enter into an operating agreement
4 with the California State Military Museum Foundation, formerly
5 known as the California National Guard Historical Society, an
6 existing California nonprofit public benefit corporation that is tax
7 exempt under Section 501(c)(3) of the Internal Revenue Code.
8 Under the operating agreement with the Adjutant General, the
9 foundation shall operate the California State Military Museum and
10 Resource Center in coordination with the California State Military
11 Reserve's California Center for Military History. The foundation
12 shall develop, administer, interpret, and manage museum historical
13 programs and related public services, and acquire and manage
14 funding for museum programs and services.

15 (c) Volunteers, docents, members of the California State Military
16 Reserve, or others working with or for the California State Military
17 Museum Foundation for purposes consistent with the mission of
18 the organization, shall be considered volunteers under Sections
19 3118 and 3119 of the Government Code and Section 3363.5 of the
20 Labor Code.

21 (d) The Board of Trustees of the California State Military
22 Museum Foundation shall include the Adjutant General, or the
23 Assistant Adjutant General, or any Deputy Adjutant General
24 designated by the Adjutant General, as an ex officio voting member
25 of the board. The board of trustees of the foundation shall be the
26 governing authority for operations funded through moneys received
27 by the foundation. The board of trustees of the foundation shall
28 submit an audit report annually to the Adjutant General ~~and the~~
29 ~~Director of Finance~~, *the Chair of the Joint Legislative Audit*
30 *Committee, and the Director of Finance.*

31 (e) No funds raised or assets acquired by the foundation shall
32 be used for purposes inconsistent with support of the museum.

33 (f) The Board of Trustees of the California State Military
34 Museum Foundation shall, no later than May 15 of each year,
35 submit a business plan for the following fiscal year to the Adjutant
36 General, *the Chair of the Joint Legislative Audit Committee*, and
37 the Director of Finance.

38 (g) (1) The Adjutant General or the California State Military
39 Museum Foundation may solicit, receive, and administer donations
40 of funds or property for the support and improvement of the

1 museum. Any grants or donations received may be expended or
2 used for museum purposes.

3 (2) Property of historical military significance, not including
4 real property, that is owned by the state and is determined by the
5 Adjutant General to be in excess of the needs of the Military
6 Department, shall be transferred to the museum.

7 (3) Property determined by the California State Military Museum
8 Foundation to be in excess of the needs of the museum may be
9 sold, donated, exchanged, or otherwise disposed of, at its discretion,
10 in a manner appropriate to the historical and intrinsic value of the
11 property, and the benefits from the disposition shall inure to the
12 museum. This paragraph does not apply to property held in trust
13 for the Controller pursuant to Section 1563 of the Code of Civil
14 Procedure.

15 (h) The Adjutant General or the California State Military
16 Museum Foundation may solicit and receive firearms and other
17 weaponry confiscated by or otherwise in the possession of law
18 enforcement officers as donations to the museum if he or she deems
19 them to be of historical or military interest.

20 (i) The Adjutant General shall, in cooperation with the California
21 State Military Museum Foundation, conduct a study of the future
22 needs of the National Guard to preserve, display, and interpret
23 artifacts, documents, photographs, films, literature, and other items
24 relating to the history of the military in California.

25 (j) (1) The California State Military Museum Foundation may
26 enter into agreements with other military museums in California,
27 including, but not limited to, the Legion of Valor Museum, to loan
28 property that is not real property and that is under the direct control
29 of the foundation.

30 (2) The California State Military Museum *Foundation* may
31 enter into agreements with other military museums in California
32 to loan property held in trust for the Controller pursuant to Section
33 1563 of the Code of Civil Procedure.

34 (k) *In addition to the annual sum appropriated by Section 2 of*
35 *Chapter 469 of the Statutes of 2002, and notwithstanding Section*
36 *13340 of the Government Code, there is hereby continuously*
37 *appropriated the sum of one hundred twenty-five thousand dollars*
38 *(\$125,000) for the 2008–09 fiscal year, and for each fiscal year*
39 *thereafter, from the General Fund to the California State Military*

- 1 *Museum Foundation for the operation of the California State*
- 2 *Military Museum and Resource Center, as specified in this section.*

O