

Introduced by Senator Negrete McLeodFebruary 24, 2012

An act to repeal and add Section 412.5 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

SB 1413, as introduced, Negrete McLeod. Adjutant General: support programs.

Existing law authorizes the Adjutant General to establish rules and regulations for the provision of morale, welfare, and recreational activities for members of the National Guard, in accordance with federal military regulations.

This bill would repeal that authorization.

Existing law requires the Adjutant General to perform various duties with regard to the National Guard that are consistent with regulations and customs of the federal military organizations, as may be prescribed by the Governor.

This bill would authorize the Adjutant General to establish specified support programs for the benefit of the Military Department, its components, and its soldiers, airmen, cadets, and their family members and to establish, construct, or acquire facilities or equipment for these programs. This bill would authorize the Adjutant General and the Military Department to solicit and accept funds or other donations, and would require these funds to be deposited in the Military Department Morale and Welfare Fund, established by this bill. This bill would require the money in the fund to be available, upon appropriation by the Legislature, for the establishment of the support programs and for the establishment, construction, or acquisition of facilities or equipment for these programs. This bill would require the Adjutant General to

conduct an internal audit of this fund and report the findings of the audit to the Department of Finance, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 412.5 of the Military and Veterans Code
 2 is repealed.

3 ~~412.5. (a) Notwithstanding any other provision of law, the~~
 4 ~~Adjutant General may do all of the following:~~

5 ~~(1) Establish rules and regulations in accordance with Army,~~
 6 ~~Air Force, and National Guard Bureau regulations for the provision~~
 7 ~~of morale, welfare, and recreational activities that benefit soldiers~~
 8 ~~and airmen of the National Guard.~~

9 ~~(2) Provide other services, in accordance with the regulations~~
 10 ~~of the Department of the Army, the Department of the Air Force,~~
 11 ~~and the National Guard Bureau, governing morale, welfare, and~~
 12 ~~recreation fund activities.~~

13 ~~(3) Adopt rules and regulations for the establishment and deposit~~
 14 ~~of military post, welfare, or similar unit, or organizational funds.~~

15 ~~(b) The Adjutant General or the National Guard may accept~~
 16 ~~funds or other donations for the benefit of the Military Department.~~

17 SEC. 2. Section 412.5 is added to the Military and Veterans
 18 Code, to read:

19 412.5. (a) Notwithstanding any other law, the Adjutant General
 20 may do all of the following:

21 (1) Establish support programs, including, but not limited to,
 22 morale, welfare, recreational, training, and educational programs
 23 for the benefit of the Military Department, its components, and its
 24 soldiers, airmen, cadets, and their family members.

25 (2) Establish, construct, or acquire facilities or equipment for
 26 the purposes specified in paragraph (1).

27 (3) Adopt rules and regulations for all of the following:

28 (A) For the programs established pursuant to paragraph (1).

29 (B) For the solicitation and acceptance of funds authorized
 30 pursuant to subdivision (b).

31 (4) Perform any other acts as may be necessary, desirable, or
 32 proper to carry out the purposes of this section.

- 1 (b) (1) Notwithstanding any other law, the Adjutant General
2 and the Military Department may solicit and accept funds or other
3 donations which shall be deposited in the Military Department
4 Morale and Welfare Fund, which is hereby established in the State
5 Treasury. The money in the fund is available, upon appropriation
6 by the Legislature, for the purposes specified in paragraphs (1)
7 and (2) of subdivision (a).
- 8 (2) Section 11005 of the Government Code shall not apply to
9 the acceptance of funds or other donations pursuant to this
10 subdivision.
- 11 (c) The Adjutant General shall, on or before March 1, 2014,
12 and on or before March 1 each year thereafter, conduct an internal
13 audit of the fund established pursuant to subdivision (b) and report
14 the findings of the audit to the Department of Finance.