

AMENDED IN SENATE MARCH 10, 2014

SENATE BILL

No. 948

**Introduced by Committee on Veterans Affairs (Senators Hueso
(Chair), Block, Correa, Knight, Lieu, Nielsen, and Roth)**

February 6, 2014

An act to amend Section 142 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

SB 948, as amended, Committee on Veterans Affairs. Active militia.

Existing law identifies the Governor as the Commander in Chief of the Militia of the State. The authority of the Governor in this regard includes ordering the active militia or any portion of it to perform military duty of every description, as specified. Existing law designates the necessary qualifications for a service member on state active duty.

This bill would recast and revise the above-referenced qualifications for state active duty service members, to include retired or separated members of the federal reserve component of any branch of the United States Armed Forces or the federally recognized National Guard of any state or United States territory, with current membership in the State Military Reserve.

Existing law provides that service members on state active duty who retire federally from the California National Guard are automatically assessed into the State Military Reserve.

This bill would require a service member already serving on state active duty who retires federally from the California National Guard to assess into the State Military Reserve in order to maintain eligibility for continued state active duty.

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 142 of the Military and Veterans Code
2 is amended to read:
3 142. (a) The Governor may order the active militia or any
4 portion of it to perform military duty of every description, including
5 necessary administrative duties, and to participate in small arms
6 gunnery competitions in this state or in any other state or territory
7 or the District of Columbia, or in any fort, camp, or reservation of
8 the United States. He or she may also authorize the performance
9 of military duty or participation in small arms or gunnery
10 competitions by any part of the active militia anywhere outside
11 the state or outside the United States. Cruise duty ordered for the
12 Naval Militia may be required to be performed on United States
13 vessels.
14 (b) Service members selected for permanent positions shall be
15 selected using a military competitive selection process. A service
16 member ordered to state active duty in accordance with this section
17 who remains on state active duty for six consecutive years shall
18 be eligible for career state active duty status and may remain on
19 state active duty until the service member reaches 60 years of age
20 or is separated for cause. At 60 years of age, a service member
21 may remain on state active duty under temporary orders, which
22 may be renewed annually.
23 (c) Orders for a service member with less than six years of state
24 active duty service shall expire annually unless renewed or the
25 service member is separated for cause.
26 (d) When a service member reaches 64 years of age, or when
27 federal recognition of his or her grade or rank is withdrawn,
28 whichever occurs later, the service member shall be retired from
29 state active duty.
30 (e) A service member on state active duty with the Military
31 Department pursuant to this section shall be any of the following:
32 (1) A current member of the California National Guard. *For*
33 *purposes of this section, a member described in subdivision (c) of*
34 *Section 210 shall not be qualified to serve on state active duty*

1 *unless he or she maintains current membership in the State Military*
2 *Reserve.*

3 (2) An individual who is retired or otherwise honorably
4 separated from service with the active component of any branch
5 of the United States Armed Forces, the federal reserve component
6 of any branch of the United States Armed Forces, or the federally
7 recognized National Guard of any state or United States territory,
8 with current membership in the State Military Reserve.

9 (3) A current member of the State Military Reserve with a
10 minimum of two years of service. ~~Service members~~

11 (f) A *service member already serving* on state active duty who
12 ~~retire~~ *retires* federally from the California National Guard shall
13 ~~be automatically assessed~~ *assess* into the State Military Reserve
14 *in order to retain eligibility for continued state active duty.*

15 (f)

16 (g) A commissioned officer on state active duty assigned to a
17 general officer position who, previous to that duty, held a state
18 active duty position at a lower grade, may revert to the grade last
19 held upon vacation of the general officer position, if a position is
20 available.

21 (g)

22 (h) Notwithstanding any other law, a service member who is
23 on state active duty may be relieved from state active duty if the
24 Adjutant General, acting in good faith and on behalf of the
25 Governor, abolishes a position. The department shall make
26 reasonable attempts to place the service member in an available
27 position for which the service member is otherwise qualified.

28 (h)

29 (i) The Adjutant General, under the authority of the Governor
30 as Commander in Chief, shall promulgate regulations in conformity
31 with this section.