

Senate Bill No. 818

Passed the Senate August 17, 2009

Secretary of the Senate

Passed the Assembly July 9, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 179 and 179.5 of the Military and Veterans Code, relating to military and veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 818, Committee on Veterans Affairs. California State Military Museum and Resource Center.

(1) Existing law authorizes the Adjutant General, the commander of all state military forces, to establish a California State 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.

Existing law authorizes the Adjutant General to enter into an operating agreement with the California State Military Museum Foundation, a California nonprofit public benefit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, under which the foundation operates the California State Military Museum and Resource Center in coordination with the California State Military Reserve's California Center for Military History.

Existing law provides that the board of trustees of the foundation is the governing authority for operations funded through moneys received by the foundation, and requires the board of trustees to submit an audit report annually to the Adjutant General.

Existing law also requires the board of trustees to submit a business plan for the following fiscal year no later than January 10 of each year, and any formal amendments to the business plan to the Adjutant General, the Director of Finance, and the Chair of the Joint Legislative Budget Committee for review and comment.

This bill would substitute "board of directors" for "board of trustees" wherever that term appears. This bill would also require the Board of Directors of the California State Military Foundation to submit an audit report, no later than October 15 of each year, to the Adjutant General, the Chair of the Joint Legislative Audit Committee, the Chair of the Joint Legislative Budget Committee, and the Director of Finance.

This bill would require the board of directors to submit a business plan for the following fiscal year no later than March 15 of each year.

(2) Existing law requires the Adjutant General to provide suitable accommodations within the California National Guard Military Museum and Resource Center for the care and display of the display cabinets that were once used to display, at the State Capitol, the books, papers, and other artifacts relating to the Grand Army of the Republic, and permits the Adjutant General to make arrangements for use of the display cabinets in the public display of the artifacts throughout the state.

This bill would substitute “California State Military Museum and Resource Center” for “California National Guard Military Museum and Resource Center” wherever that term appears.

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

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

179. (a) The Adjutant General shall establish a California State Military Museum and Resource Center as a repository for military artifacts, memorabilia, equipment, documents, and other items relating to the military history of California, and to the history of the California National Guard, in accordance with applicable regulations of the United States Army governing Army museum activities. The museum shall consist of the facility described in the Proclamation of the Governor dated May 11, 1994, and any branches as may currently exist or may from time to time be created throughout the state. Each facility shall be deemed to be an armory within the meaning of Section 430.

(b) The Adjutant General shall enter into an operating agreement with the California State Military Museum Foundation, formerly known as the California National Guard Historical Society, an existing California nonprofit public benefit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code. Under the operating agreement with the Adjutant General, the foundation shall operate the California State Military Museum and Resource Center in coordination with the California State Military Reserve’s California Center for Military History. The foundation shall develop, administer, interpret, and manage museum historical

programs and related public services, and acquire and manage funding for museum programs and services.

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

(d) The Board of Directors of the California State Military Museum Foundation shall include the Adjutant General, or the Assistant Adjutant General, or any Deputy Adjutant General designated by the Adjutant General, as an ex officio voting member of the board. The board of directors of the foundation shall be the governing authority for operations funded through moneys received by the foundation. The board of directors of the foundation shall, no later than October 15 of each year, submit an audit report to the Adjutant General, the Chair of the Joint Legislative Audit Committee, the Chair of the Joint Legislative Budget Committee, and the Director of Finance.

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

(f) The Board of Directors of the California State Military Museum Foundation shall, no later than March 15 of each year, submit a business plan for the following fiscal year to the Adjutant General, the Director of Finance, and the Chair of the Joint Legislative Budget Committee for review and comment. The board of directors shall also submit, not less than 30 days prior to adoption, 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 for review and comment.

(g) (1) The Adjutant General or the California State Military Museum Foundation may solicit, receive, and administer donations of funds or property for the support and improvement of the museum. Any grants or donations received may be expended or used for museum purposes.

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

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

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

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

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

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

SEC. 2. Section 179.5 of the Military and Veterans Code is amended to read:

179.5. (a) The Legislature acknowledges that certain artifacts of the Grand Army of the Republic that were at one time stored or displayed in the State Capitol were the personal property of certain members of the Civil War Roundtable. The Legislature acknowledges that those artifacts have been donated to, and are now in the custody of, the California State Military Museum and Resource Center, and are, thus, not the subject of this section.

(b) The Civil War memorabilia that are still located at the State Capitol and that are the subject of this section consist of the following:

(1) A display cabinet that once contained, among other things, artifacts of the Grand Army of the Republic that have since been donated by the Civil War Roundtable to the California State Military Museum and Resource Center mentioned in subdivision (a).

(2) Certain flags of the Grand Army of the Republic that have been, and continue to be, stored or displayed in the State Capitol.

(3) One or more paintings of the Civil War era that were donated to the state.

(4) Other remaining artifacts of the Grand Army of the Republic, and Civil War memorabilia.

(c) The articles specified in subdivision (b) shall be stored, cared for, or displayed as follows:

(1) The Adjutant General shall provide suitable accommodations within the California State Military Museum and Resource Center for the care and display of the display cabinet that was once used to display at the State Capitol the books, papers, and other artifacts relating to the Grand Army of the Republic and may make suitable arrangements for the use of this cabinet for the public display of these articles in locations throughout the state.

(2) Suitable facilities shall be provided at the State Capitol for storage or display within the State Capitol of the flags as set forth in paragraph (2) of subdivision (b), of the Civil War era paintings donated to the state as set forth in paragraph (3) of subdivision (b), and of other remaining artifacts and Civil War memorabilia as set forth in paragraph (4) of subdivision (b).

Approved _____, 2009

Governor