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AB-361 Military Department: support programs. (2019-2020)

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Assembly Bill No. 361

CHAPTER 86

An act to amend Section 412.5 of the Military and Veterans Code, relating to the military.

[Approved by Governor July 12, 2019. Filed with Secretary of State July 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Voepel. Military Department: support programs.

Existing law authorizes the Adjutant General to establish support programs, including morale, welfare, recreational, training, and educational programs, for the benefit of the Military Department. Existing law authorizes the Adjutant General and the Military Department to solicit and accept funds or other donations, to be deposited into the California Military Department Support Fund.

This bill would name the support programs established by the Adjutant General the California Military Department Foundation. The bill would authorize the Adjutant General and the Military Department to enter into agreements with specified entities, including nonprofit and military or veteran foundations, to conduct California Military Department Support Fund activities, and to accept in-kind donations.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 412.5 of the Military and Veterans Code is amended to read:

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

- (1) Establish support programs, including, but not limited to, morale, welfare, recreational, training, and educational programs for the benefit of the Military Department, its components, and its soldiers, airmen, cadets, and their family members. These programs shall be collectively known as the California Military Department Foundation.
- (2) Establish, construct, or acquire facilities or equipment for the purposes specified in paragraph (1).
- (3) Adopt rules and regulations for all of the following:
 - (A) For the California Military Department Foundation.
 - (B) For the solicitation and acceptance of funds authorized pursuant to subdivision (b).
 - (C) For the establishment, deposit, and expenditure of military post, welfare, or similar unit funds.
- (4) Perform any other acts as may be necessary, desirable, or proper to carry out the purposes of this section.

(5) The Adjutant General and the Military Department may enter into agreements with nonprofit military or veteran foundations, or military organizations, or other entities, to conduct California Military Department Support Fund activities pursuant to established rules and regulations.

(b) (1) Notwithstanding any other law, the Adjutant General and the Military Department may solicit and accept funds or other donations which shall be deposited in the California Military Department Support Fund, which is hereby established in the State Treasury. In-kind donations may be accepted and accounted for pursuant to rules and regulations promulgated by the department. The money in the fund is available, upon appropriation by the Legislature, solely for the purposes prescribed by this section.

(2) Section 11005 of the Government Code shall not apply to the acceptance of funds or other donations pursuant to this subdivision.

(3) It is the intent of the Legislature that funds appropriated to the Military Department as provided by this section be used to supplement, not supplant, funding appropriated to the Military Department pursuant to any other law for the purposes prescribed by this section.

(c) (1) The California Military Department Support Fund shall include the California National Guard Military Family Relief Fund, a special fund as established within the California Military Department Support Fund by subdivision (d).

(2) For accounting and recordkeeping purposes, the California Military Department Support Fund shall be deemed to be a single special fund, and any special funds therein shall constitute and be deemed to be a separate account in the California Military Department Support Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(d) (1) Notwithstanding subdivision (d) of former Section 18709 of the Revenue and Taxation Code as added by Chapter 546 of the Statutes of 2004, the California National Guard Military Family Relief Fund is hereby established as an account within the California Military Department Support Fund for the purpose of providing financial aid grants to members of the California National Guard who are California residents and who have been called to active duty.

(2) The Military Department shall establish eligibility criteria for the grants by January 1, 2015. The criteria shall include, but not be limited to, a demonstration of financial need.

(3) In addition to criteria established by the Military Department pursuant to paragraph (2), members of the California National Guard shall show proof of all of the following to be eligible to receive a grant pursuant to subdivision (d):

(A) Current membership in the California National Guard.

(B) Residency in California.

(C) Deployment to active duty for at least 60 consecutive days.

(4) Grants awarded pursuant to this subdivision may be used only for food, housing, child care, utilities, medical services, medical prescriptions, insurance, and vehicle payments.

(5) California National Guard members shall not be eligible to receive a grant if the member receives a punitive discharge or an administrative discharge with service characterized as under other than honorable conditions.

(e) On or before March 31 of each year, the Adjutant General shall conduct an internal audit of the fund established in accordance with subdivisions (b) and (c) and report the findings of the audit to the Department of Finance.