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SB-1097 Veterans: military and veterans: gender-neutral terms. (2023-2024)

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Senate Bill No. 1097

CHAPTER 129

An act to amend Sections 66, 66.5, 70, 73.7, 79, 84, 86, 123, 143, 144, 146, 161, 162, 166, 170, 189, 229, 230, 233, 252, 257, 263, 266, 324, 325, 340.1, 363, 364, 368, 395, 395.01, 395.06, 395.07, 395.08, 395.1, 395.3, 395.6, 395.10, 399, 399.5, 402, 403, 404, 409.1, 409.2, 409.6, 409.8, 409.13, 416, 502, 520, 530, 552, 554, 555, 557, 559, 560, 641, 642, 642.1, 643, 807, 811, 824, 827, 890.3, 891, 928, 944, 946, 974.5, 981.3, 987.58, 987.69, 987.74, 987.77, 987.79, 988.2, 988.4, 996.979, 996.993, 997.009, 998.009, 998.029, 998.049, 998.060, 998.071, 998.082, 998.094, 998.107, 998.209, 999.2, 1012, 1035.6, 1035.7, 1038, 1038.1, 1038.5, 1042, 1051, 1176, 1255, 1265, 1652, 1690, 1691, 1692, 1693, 1820, and 1821 of, and to repeal and add Section 391 of, the Military and Veterans Code, relating to veterans.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1097, Laird. Veterans: military and veterans: gender-neutral terms.

Existing law establishes the Department of Veterans Affairs and sets forth its powers and duties, including, but not limited to, the administration of various programs providing benefits to veterans or their beneficiaries. Existing law establishes the California Veterans Board, whose duties include advising the department and its secretary on policies for operations of the department.

This bill would, for the purposes of these provisions, extend access to various programs and benefits to surviving domestic partners of veterans, where applicable.

Existing law exempts members of the active militia from road tax and head tax and from jury duty, with specified exemptions, and from service on any posse comitatus if the member furnishes a certificate from their commanding officer that they have performed the duties required of them in the prior year or during the term of their service, if less than a year.

This bill would instead exempt members of the active militia who are on active military orders if they furnish a copy of their active military orders or a letter from their immediate commanding officer or the Office of the Staff Judge Advocate.

Existing law exempts every officer and enlisted person of the State Guard, during the officer's or enlisted person's service, from any posse comitatus and from jury duty.

This bill would instead exempt officers or enlisted persons of the State Guard from any posse comitatus or jury duty service while on active military orders.

The bill would make technical, nonsubstantive changes to, among other things, use gender-neutral language.

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

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

SECTION 1. Section 66 of the Military and Veterans Code is amended to read:

66. All members of the board shall be veterans as “veteran” is defined in Section 18540.4 of the Government Code. One of these members shall also be retired from the active or reserve forces of the United States military service. One of these members shall also be a resident of a California veterans home. This subdivision shall not be construed to prohibit a member of the board who does not meet this requirement from serving the remainder of their term.

SEC. 2. Section 66.5 of the Military and Veterans Code is amended to read:

66.5. (a) Every member of the board shall be a member in good standing with a congressionally chartered veteran service organization.

(b) One member of the board shall have substantial training, professional knowledge, or experience in the issues faced by female veterans which may include, but are not limited to, the following issues:

- (1) Combat-related disorders.
- (2) Sexual trauma.
- (3) Homelessness.

(c) This section does not prohibit any member of the board from serving the remainder of their term.

SEC. 3. Section 70 of the Military and Veterans Code is amended to read:

70. (a) The Department of Veterans Affairs succeeds to, and is vested with, the duties, powers, purposes, responsibilities, and jurisdiction of the Department of Military and Veterans' Affairs, the Division of Veterans' Welfare, the Veterans' Welfare Board, the California Veterans' Commission, the Division of Veterans' Homes, the Board of Directors of the Veterans' Home of California, and the Board of Directors of the Woman's Relief Corps Home of California and of the officers and employees of that department, those divisions and boards, and that commission, except that the Secretary of Veterans Affairs, in lieu of the Director of Military and Veterans' Affairs, is a member of the Governor's cabinet and, in lieu of the chair of the Veterans' Welfare Board, is a member of each and every veterans' finance committee of which the chair until now has been a member.

(b) (1) There is hereby created the California Veterans Memorial Registry Fund, for the deposit of financial contributions made for the support of the Veterans Registry, which is part of the California Veterans Memorial. Notwithstanding Section 13340 of the Government Code and without regard to fiscal years, the money in the fund is hereby continuously appropriated to the department for the purpose of defraying the costs of data entry and system management for the Veterans Registry and the reasonable costs that are incurred by the department for administering the fund.

(2) In order to be eligible for inclusion in the Veterans Registry, a person must have served in the active military of the United States, received a discharge under honorable conditions, and resided in California at some time before, during, or after their military service. Failure to meet this eligibility requirement constitutes good cause for removal of the person's name from the Veterans Registry.

SEC. 4. Section 73.7 of the Military and Veterans Code is amended to read:

73.7. (a) Any state officer or employee who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against an employee of any state department, board, or authority for having disclosed what the employee, in good faith, believed to be improper activities regarding veterans programs that are supported by the state shall be disciplined by adverse action as provided in Section 19572 of the Government Code. If an adverse action is not instituted by the appointing power, the State Personnel Board shall take adverse action in the same manner as provided in Section 19583.5 of the Government Code.

(b) In addition to all other causes of action, penalties, or other remedies provided by law, a state officer or employee who intentionally engages in acts of reprisal, retaliation, threats, coercion, or similar acts against an employee for having disclosed what the employee, in good faith, believed to be improper activities regarding veterans programs that are supported by the state shall be liable in an action for damages brought against them by the injured party. Punitive damages may be awarded by the court if the acts of the offending party are proven to be malicious. If liability has been established, the injured party also shall be entitled to reasonable attorney's fees as provided by law.

SEC. 5. Section 79 of the Military and Veterans Code is amended to read:

79. There shall be an Undersecretary of Veterans Affairs, who shall be a civil executive officer. The holder of this position shall be appointed and their salary shall be established by the secretary pursuant to law.

SEC. 6. Section 84 of the Military and Veterans Code is amended to read:

84. (a) The secretary may, whenever they deem it advisable and shall, when required to do so by the board, present reports and recommendations to the board concerning any matter relating to veterans' welfare whether or not provided by existing law.

(b) Notwithstanding any other law, the secretary shall not effectuate any policy change that would modify any veterans' program without first fully briefing the board regarding the effects upon veterans of the proposed policy change.

(c) For the purposes of this section and Section 700, "program" means the Veterans' Home of California, the veterans' farm and home purchase program, including any associated insurance programs, and any veterans' education assistance program.

(d) "Policy change" for the purposes of this section means any proposed changes to the programs set forth in subdivision (c) that would directly or indirectly affect the eligibility of veterans to participate in, the affordability for veterans of, or the financial stability of, those programs.

SEC. 7. Section 86 of the Military and Veterans Code is amended to read:

86. (a) Any person deeming themselves a veteran and who applies for benefits may appeal any decision made by a division of the department to the California Veterans Board. Upon receipt of the appeal, the board shall grant a hearing, if requested, and shall render its decision in writing to the appellant not later than the second meeting of the board following the receipt of the appeal or of the hearing if one is held. An appeal shall be deemed to have been received by the board on the date of the first meeting of the board subsequent to delivery of the appeal to the executive officer of the board. Except for judicial review, the board's decision is final and the board shall have the power to change or modify with good cause any decision that is adverse to the appellant. Except as described in subdivision (b), all hearings of appeals may be delegated by the board to the undersecretary or a deputy secretary of the department. Hearings shall be held in the department office nearest to the appellant's home unless the appellant requests otherwise.

(b) Hearings of appeals related to the Veterans' Farm and Home Purchase Act may be delegated by the board only to the Office of Administrative Hearings to be conducted by administrative law judges of the Office of Administrative Hearings pursuant to Chapter 4 (commencing with Section 11370) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The administrative law judges shall submit their proposed decisions to the board for final decision. The administrative law judges shall make all reasonable efforts to hold hearings at neutral locations, however, if no other facilities are available without incurring excessive costs, the hearings may be held at the department office nearest to the appellant's home.

SEC. 8. Section 123 of the Military and Veterans Code is amended to read:

123. Whenever the Governor deems it necessary, they may order an enrollment to be made by officers designated by the Governor, of all persons liable to service in the militia. The enrollment shall include any information that the Governor may require. Three copies thereof shall be made: one copy shall be filed in the office of the clerk of the county in which the enrollment is made, and two copies in the office of the Adjutant General.

SEC. 9. Section 143 of the Military and Veterans Code is amended to read:

143. Whenever the Governor is satisfied that rebellion, insurrection, tumult, or riot exists in any part of the state, that the execution of civil or criminal process has been forcibly resisted by bodies of persons, that any conspiracy or combination exists to resist by force the execution of process, or that the officers of any county or city are unable or have failed for any reason to enforce the laws, the Governor may, by proclamation, declare any part of the State of California or the county or city or any portion thereof to be in a state of insurrection, and may thereupon order into the service of the state any number and description of the active militia, or unorganized militia, as deemed necessary, to serve for a term and under the command of any officer as the Governor directs.

SEC. 10. Section 144 of the Military and Veterans Code is amended to read:

144. The Governor may at any time revoke a proclamation of insurrection or declare that it shall terminate at a time or in the manner that the Governor directs.

SEC. 11. Section 146 of the Military and Veterans Code is amended to read:

146. The Governor may call into active service any portion of the active militia as may be necessary, and if the number available be insufficient, the Governor may call into active service any portion of the unorganized militia as may be necessary, in any of the following events:

(a) In case of war, insurrection, rebellion, invasion, tumult, riot, breach of the peace, public calamity or catastrophe, including, but not limited to, catastrophic fires, or other emergency, or imminent danger thereof, or resistance to the laws of this state or the United States.

(b) Upon call or requisition of the President of the United States.

(c) Upon call of any United States marshal in California, or upon call of any officer of the United States Army commanding an army, army area, or military administrative or tactical command, including generally the State of California, or upon call of any officer of the United States Air Force commanding an air force, air defense force, air defense command, or air command, including generally the State of California.

(d) Upon call of the chief executive officer of any city or city and county, or of any justice of the Supreme Court, or of any judge of the superior court, or of any sheriff, setting forth that there is an unlawful or riotous assembly with intent to commit a felony, or to offer violence to person or property, or to resist the laws of the State of California or the United States or that there has occurred a public calamity or catastrophe requiring aid to the civil authorities.

(e) Upon call of the sheriff setting forth that the civil power of the county is not sufficient to enable the sheriff to execute process delivered to them.

SEC. 12. Section 161 of the Military and Veterans Code is amended to read:

161. Within the Military Department, the office of the Adjutant General consists of one officer of the rank of lieutenant general who is the Adjutant General, one officer of the rank of brigadier general who is the Deputy Adjutant General, one officer who may be of the rank of brigadier general who is the Assistant Adjutant General, Army, one officer who may be of the rank of brigadier general who is the Assistant Adjutant General, Air, one officer who may be of the rank of brigadier general who is the Chief of Staff and Director of the Joint Staff, and other officers as are prescribed by the laws or regulations of the United States. A person is not eligible for appointment as the Deputy Adjutant General unless they have no less than a total of five years of commissioned service in the National Guard of the United States, of which at least three years shall be service as a field grade officer in the California National Guard within the preceding 10-year period prior to the date of appointment and of which at least three years shall have been in command of army or air troops at the battalion or equivalent or higher command level or three years as a staff officer at brigade or equivalent or higher staff level. The Deputy Adjutant General is subordinate only to the Governor and the Adjutant General and shall have their duties assigned by the Adjutant General.

SEC. 13. Section 162 of the Military and Veterans Code is amended to read:

162. The Governor, as Commander in Chief, shall appoint the Adjutant General, who shall be on state active duty, in the grade of lieutenant general, with the advice and consent of the Senate, and that person shall hold office at the pleasure of the Governor, or until their successor is appointed and has qualified. A person is not eligible for appointment as Adjutant General unless they have no less than a total of 10 years of commissioned service in the National Guard of the United States, of which at least four years shall be service as a field grade officer in the California National Guard within the preceding 10-year period prior to the date of appointment and of which at least four years shall have been in command of army or air troops at the battalion or equivalent or higher command level or four years as a staff officer at brigade or equivalent or higher staff level.

SEC. 14. Section 166 of the Military and Veterans Code is amended to read:

166. In the event of the absence of the Adjutant General or of their inability to perform their duties, the Deputy Adjutant General or other officer designated by the Adjutant General shall perform the duties of the Adjutant General. If those officers are absent or unable to perform their duties, the Governor may detail a National Guard officer to perform those duties.

SEC. 15. Section 170 of the Military and Veterans Code is amended to read:

170. The seal now used in the Office of the Adjutant General is the seal of that office and shall be delivered by the Adjutant General to their successor. All orders issued from the Office of the Adjutant General shall be authenticated with this seal. Any order or directive inadvertently or mistakenly made or entered in the Office of the Adjutant General may for good cause and a reasonable time be vacated and set aside by the Adjutant General and a proper and correct order or directive made and entered in lieu thereof.

SEC. 16. Section 189 of the Military and Veterans Code is amended to read:

189. (a) The sum of three thousand dollars (\$3,000) appropriated by Chapter 467, Statutes of 1913, for a cash revolving fund to facilitate the work of the Adjutant General's office, shall be hereafter held, continued, and used by the Adjutant General for that purpose. All or any part of the money may be drawn from the state treasury without the submission of receipts, vouchers, or itemized statements and may be used by the Adjutant General in advancing cash payments for ordnance, equipment, material, labor, supplies, and incidental expenses requiring cash payments in advance, where the payments are necessary for the proper operation of the militia. Any amounts shall be repaid out of the appropriation against which they are a proper charge, upon itemized claims accompanied by proper vouchers and receipts, and the money returned to the cash revolving fund.

(b) The Adjutant General shall be liable on their bond for the money so advanced to the Adjutant General and may, to protect themselves, require sufficient bond of the several employees under the Adjutant General in case it should be necessary to delegate any of them to disburse money from the revolving fund. The Adjutant General shall account for the money herein appropriated at any time upon demand of the Department of Finance or the Controller.

SEC. 17. Section 229 of the Military and Veterans Code is amended to read:

229. When a board of officers finds that an officer is incapacitated for active service, and that their incapacity is the result of an incident of the service, and its decision is approved by the Governor, the officer shall be retired from active service and placed on the retired list of officers. When a board of officers finds the incapacity of an officer is not the result of any incident of the service, and its decision is approved by the Governor, the officer shall be retired from active service, or discharged, as the Governor determines.

SEC. 18. Section 230 of the Military and Veterans Code is amended to read:

230. The Governor may detail, with their own consent, officers or noncommissioned officers of the retired list to active duty and return them to the retired list in their discretion. Officers or noncommissioned officers retired for age may not be detailed to command troops, but only to perform duties of staff corps or departments, or to sit on boards, except in time of war or other emergency, or imminent danger thereof, when retired officers or noncommissioned officers may be detailed by the Governor, without their consent, to perform any military duty designated by the Governor.

SEC. 19. Section 233 of the Military and Veterans Code is amended to read:

233. An officer who desires to resign shall submit their resignation to the Governor, whose action thereon shall be final. The Governor may refuse to accept a resignation when the officer is under investigation, under charges, awaiting the result of a trial, absent without leave, absent in the hands of civil authorities, in default with respect to state or federal funds or property, mobilized for deployment on state or federal duty, or notified of impending mobilization for state or federal military duty.

SEC. 20. Section 252 of the Military and Veterans Code is amended to read:

252. Appointments of noncommissioned and petty officers shall conform to the tables of organization and to the rules and regulations prescribed by the United States for the government and administration of the National Guard. All noncommissioned and petty officers shall be appointed by the commanding officer of the division, brigade, regiment, separate battalion, squadron, marine division, or similar organization, upon the recommendation of the commanding officer of the unit in which they are to serve. Noncommissioned and petty officers of separate companies, troops, batteries, detachments, and similar units, not forming part of an existing higher tactical organization, shall be appointed by the Adjutant General. When an examination is required by federal laws or regulations or by state regulations, an enlisted person shall not be appointed until they have successfully passed the examination.

SEC. 21. Section 257 of the Military and Veterans Code is amended to read:

257. When an enlisted person of the National Guard is sixty-four years of age, they shall be retired from active service or discharged.

SEC. 22. Section 263 of the Military and Veterans Code is amended to read:

263. When an enlisted person of the National Guard or the unorganized militia called into active service is absent without leave and there is reason to believe that the enlisted person does not intend to return, or quits their organization or place of duty with the intent to avoid hazardous duty or to shirk important service, that person is a deserter.

SEC. 23. Section 266 of the Military and Veterans Code is amended to read:

266. An enlisted person who has been dropped as a deserter shall not be restored to duty without prior disposition of the charge of desertion standing against them. The charge shall be disposed of by trial by court-martial; by restoration to duty, desertion admitted, upon a written application of the soldier admitting the desertion; or by the setting aside of the charge of desertion when it had been erroneously made.

SEC. 24. Section 324 of the Military and Veterans Code is amended to read:

324. (a) Whenever an officer of the National Guard or Naval Militia is detailed for special duty in any matter relating to the National Guard or Naval Militia, by order of the Governor, that officer shall be allowed the same pay and allowances as officers of similar grade in the United States Army and United States Navy and actual traveling expenses. An enlisted person similarly detailed shall be allowed the same pay and allowances as enlisted persons of similar grade in the United States Army and United States Navy and actual traveling expenses, except that family allowances shall not be allowed to those enlisted persons. An officer of the National Guard or Naval Militia may, with their consent, be detailed for special duty without expense to the state, provided, however, the officer may be paid actual traveling expenses. An officer of the National Guard or Naval Militia may, with their consent, be detailed for duty and may be paid compensation in a grade lower than the officer actually holds provided the officer voluntarily waives all compensation in excess of the lower grade.

(b) If not inconsistent with the performance of required military duty, members of the National Guard may perform emergency services as defined in Section 18531 of the Government Code, and as provided in Section 19888 of the Government Code, and shall receive as compensation therefore the going wages paid for similar service at or near the place of performance.

SEC. 25. Section 325 of the Military and Veterans Code is amended to read:

325. When an officer or enlisted person of the United States Army, United States Navy, or United States Air Force, detailed by the Department of the Army, the Department of the Navy, or the Department of the Air Force for service with the National Guard or Naval Militia, is detailed by the Governor for special duty or requested to perform any duty involving travel not specially directed by the Department of the Army, the Department of the Navy, or the Department of the Air Force, the officer or enlisted person shall be allowed their actual traveling expenses, but no per diem.

SEC. 26. Section 340.1 of the Military and Veterans Code is amended to read:

340.1. (a) Any officer, warrant officer, or enlisted member of the California National Guard, the organized militia, or the unorganized militia, when called into the active service of the state, pursuant to Sections 142, 143, or 146, except an officer, warrant officer, or enlisted member on full-time duty with the Office of the Adjutant General, who is wounded, injured, or disabled in the active service of the state in the line of duty shall be retained on active duty and shall receive regular military pay and allowances for not to exceed 52 weeks from the date of wounding, injury, or disability, regardless of the date of expiration of the period of state active duty, unless any of the following occurs:

- (1) The member becomes entitled to disability compensation through any private or other public employer.
- (2) The member is able to return to their regular civilian employment, as determined by proper authority.
- (3) The member requests an earlier release from active duty.

(b) A member who has received benefits under subdivision (a) and who is unable to return to their regular civilian employment following 52 weeks after the date of wounding, injury, or disability is entitled to compensation under Division 4 (commencing with Section 3201) of the Labor Code, pursuant to Section 340.

SEC. 27. Section 363 of the Military and Veterans Code is amended to read:

363. Every officer and enlisted person shall be responsible to the officer under whose immediate command they serve for prompt and unhesitating obedience to lawful orders, faithful performance of duty, and the preservation and proper use of the property in their possession that belongs to the United States, the State of California, or the appropriate military organization. Each officer and enlisted person shall at all times, without equivocation, obey the lawful orders of their superior officers.

SEC. 28. Section 364 of the Military and Veterans Code is amended to read:

364. Any officer or enlisted person of the National Guard or Naval Militia who willfully fails to attend any parade or encampment, or who neglects or refuses to obey the lawful command of their superior officer on any day of parade or encampment, or who fails to perform any military duty that may be lawfully required of them, or who uses disrespectful language toward their superior officer or commits any act of insubordination, is guilty of a misdemeanor.

SEC. 29. Section 368 of the Military and Veterans Code is amended to read:

368. (a) Each company, troop, squadron, battery, detachment, and unit shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year unless excused by the Governor or other competent authority, and shall in addition thereto participate in encampments, maneuvers, or other exercises, including outdoor target practice, for at least fifteen consecutive days in each year unless excused by competent authority.

(b) In addition to the drills and periods of duty specified in subdivision (a), the commanding officer of any unit may require the officers and enlisted persons of their command to meet for parade, drill, and instruction at the times and places as they may appoint.

SEC. 30. Section 391 of the Military and Veterans Code is repealed.

SEC. 31. Section 391 is added to the Military and Veterans Code, to read:

391. Every member of the active militia, on active military orders, shall be exempt from road tax and head tax of every description, from jury duty, including service on coroners' juries, and from service on any posse comitatus, if the member furnishes a copy of their active military orders or a letter from their immediate commanding officer or the Office of the Staff Judge Advocate.

SEC. 32. Section 395 of the Military and Veterans Code is amended to read:

395. (a) Any public employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from that duty.

(b) Notwithstanding subdivision (a), a local public agency may, but is not required to, provide paid military leave of absence for periods of inactive duty training.

(c) The employee has an absolute right to be restored to the former office or position and status formerly had by them in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during their absence, the employee shall be reinstated to a position of like seniority, status, and pay if a position exists, or if no position exists the employee shall have the same rights and privileges that they would have had if they had occupied the position when it ceased to exist and had not taken temporary military leave of absence.

(d) Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which a temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the employee would have enjoyed had they not been absent, except that an uncompleted probationary period, if any, in the public agency, shall be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency, all service of the employee in recognized military service shall be counted as public agency service.

(e) If this section is in conflict with a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if the memorandum of understanding requires the expenditure of funds, it shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 33. Section 395.01 of the Military and Veterans Code is amended to read:

395.01. (a) Any public employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty, and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins, is entitled to receive their salary or compensation as a public employee for the first 30 calendar days of the absence. Pay for those purposes may not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of a public employee in the recognized military service shall be counted as public agency service.

(b) Notwithstanding subdivision (a), a local public agency may, but is not required to, pay an employee during a period of inactive duty training.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4, of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 34. Section 395.06 of the Military and Veterans Code is amended to read:

395.06. (a) A private employer shall consider a former employee who meets the requirements of subdivision (b) as having been on a leave of absence during any period of the former employee's active service in the National Guard of any state, and is subject to both of the following:

(1) If the former position was a full-time position, and not a temporary position, the former employer shall restore the former employee to the former position or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so, and shall not discharge the former employee from the position without cause within one year after restoring them to the position.

(2) If the position was a part-time position and not a temporary position, the former employer shall restore the former employee to the former position, or to a position of similar seniority, status, and pay, if any exists, and shall not discharge the former employee from the position without cause within one year after restoring them to the position.

(b) To be eligible for the employment protections specified in paragraph (1) of subdivision (a), the former employee shall meet all of the following requirements:

(1) They are an officer or enlisted member of the National Guard of any state.

(2) They were called to active duty by the Governor of the state where they serve in the National Guard or by the President of the United States.

(3) They received a certificate of satisfactory service in the National Guard of the state where they serve in the National Guard.

(4) They are still qualified to perform the duties of the position.

(5) If they left a full-time position, they made application for reemployment within 40 days of being released from service. If they left part-time employment, they made application for reemployment within five days of being released from service.

(c) If any employer fails or refuses to comply with this section, the superior court of the county in which the employer maintains a place of business may, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of this section, specifically require the employer to comply with this section and compensate the person for any loss of wages or benefits suffered by reason of the employer's unlawful action. The court shall order a speedy hearing and shall advance it on the calendar. Upon application to the district attorney of the county in which the employer maintains a place of business by any person claiming to be entitled to the benefits of this section, the district attorney, if reasonably satisfied that the person is entitled to these benefits, shall appear and act as attorney for the person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require the employer to comply with this section. Fees or court costs shall not be required to be paid by the person applying for these benefits.

(d) Upon application to the city prosecutor of the city in which the employer maintains a place of business by any person claiming to be entitled to the benefits of this section, the city prosecutor, if reasonably satisfied that the person is entitled to these benefits, may appear and act as attorney for the person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require the employer to comply with this section. Fees or court costs shall not be required to be paid by the person applying for these benefits.

SEC. 35. Section 395.07 of the Military and Veterans Code is amended to read:

395.07. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02, any officer or employee of the legislative, executive, or judicial department of the state, who, as a member of the California National Guard or a United States Military Reserve organization, is called into active duty as a result of the Iraq-Kuwait crisis on or after August 2, 1990, shall have the benefits provided for in subdivision (b).

(b) Any officer or employee to which subdivision (a) applies, while on active duty, shall, with respect to active duty served on or after August 2, 1990, receive from the state, for a period not to exceed 180 calendar days, as part of their compensation, both of the following:

(1) The difference between the amount of their military pay and allowances and the amount the officer or employee would have received as a state officer or employee, including any merit raises which would otherwise have been granted during the time the individual was on active duty.

(2) All benefits that they would have received had they not been called to active duty unless the benefits are prohibited or limited by vendor contracts.

(c) Any individual receiving compensation pursuant to subdivision (b) who does not return to state service within 60 days of being released from active duty shall have that compensation treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account. This subdivision shall not apply to compensation received pursuant to Section 395.02.

(d) This section shall not apply to any active duty served voluntarily after the close of the Iraq-Kuwait crisis.

SEC. 36. Section 395.08 of the Military and Veterans Code is amended to read:

395.08. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02, any officer or employee of the legislative, executive, or judicial department of the state, who, as a member of the California National Guard or a United States Military Reserve organization, is called into active duty as a result of the Bosnia crisis on or after November 21, 1995, shall have the benefits provided for in subdivision (b).

(b) Any officer or employee to which subdivision (a) applies, while on active duty, shall, with respect to active duty served on or after November 21, 1995, as a result of the Bosnia crisis, receive from the state, for a period not to exceed 180 calendar days, as part of their compensation, both of the following:

(1) The difference between the amount of their military pay and allowances and the amount the officer or employee would have received as a state officer or employee, including any merit raises that would otherwise have been granted during the time the individual was on active duty.

(2) All benefits that they would have received had they not been called to active duty unless the benefits are prohibited or limited by vendor contracts.

(c) Any individual receiving compensation pursuant to subdivision (b) who does not return to state service within 60 days of being released from active duty shall have that compensation treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account. This subdivision shall not apply to compensation received pursuant to Section 395.02.

(d) This section shall not apply to any active duty served voluntarily after the close of the Bosnia crisis.

(e) Benefits provided under paragraph (1) of subdivision (b) shall only be provided to an employee who was not eligible to participate in the federal Ready Reserve Mobilization Income Insurance Program (10 U.S.C. Sec. 12521 et seq.) or a successor federal program that, in the determination of the Director of Personnel Administration, is substantively similar to the federal Ready Reserve Mobilization Income Insurance Program. For an employee eligible to participate in the federal Ready Reserve Mobilization Income Insurance Program or a successor program, and whose monthly salary as a state employee was higher than the sum of their military pay and allowances and the maximum allowable benefit under the federal Ready Reserve Mobilization Income Insurance Program or a successor program, the employee shall receive the amount payable under paragraph (1) of subdivision (b), but that amount shall be reduced by the maximum allowable benefit under the federal Ready Reserve Mobilization Income Insurance Program or a successor program. For individuals who elected the federal Ready Reserve Mobilization Income Insurance Program the state shall reimburse for the cost of the insurance premium for the period of time on active duty, not to exceed 180 calendar days.

SEC. 37. Section 395.1 of the Military and Veterans Code is amended to read:

395.1. (a) Notwithstanding any other law to the contrary, any officer or employee of the state not subject to Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government Code, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left their office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any order or request of this type of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with those orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon

the office or position within six months after the termination of their active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which they were elected or appointed has not ended during their absence; provided, that the right to return to and reenter upon the office or position shall not extend to or be granted to any officer or employee of the state not subject to Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government Code, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and reenter upon their office or position within 12 months after the first date upon which they could terminate or could cause to have terminated their active service with the armed forces of the United States or of the militia of this state. They shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation, or release therefrom.

(b) (1) Upon return and reentry to the office or employment, the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which they would have enjoyed if they had not been absent therefrom; provided, however, the officer or employee shall not be entitled to sick leave, vacation, or salary for the period during which they were on leave from that governmental service and in the service of the armed forces of the United States.

(2) If the office or position has been abolished or otherwise has ceased to exist during their absence, they shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which they are qualified.

(c) Any officer or employee other than a probationer who is restored to their office or employment pursuant to this act shall not be discharged from that office or position without cause within one year after the restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to those officers or employees on furlough or leave of absence in effect at the time the officer or employee left their office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under this code if they voluntarily elect to complete the period of that duty.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 38. Section 395.3 of the Military and Veterans Code is amended to read:

395.3. (a) In the event that any public officer or employee has resigned or resigns their office or employment to serve or to continue to serve in the Armed Forces of the United States or in the militia of this state, they shall have a right to return to and reenter the office or employment prior to the time at which their term of office or their employment would have ended if they had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of their active service with the Armed Forces. The right to return and reenter upon the office or position shall not extend or be granted to any public officer or employee who fails to return to and reenter their office or position within 12 months after the first date upon which they could terminate or could cause to have terminated their active service with the Armed Forces of the United States or of the militia of this state.

(b) As used in this section, "public officers and employees" includes all of the following:

(1) Members of the Senate and of the Assembly.

(2) Justices of the Supreme Court and the courts of appeal, judges of the superior courts, and all other judicial officers.

(3) All other state officers and employees not within Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government Code, including all officers for whose selection and term of office provision is made in the California Constitution and laws of this state.

(4) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this state.

(c) The right of reentry into public office or employment provided for in this section shall include the right to be restored to the civil service status as the officer or employee would have if they had not so resigned. Another person shall not acquire civil service status in the same position so as to deprive the officer or employee of their right to restoration as provided for herein.

(d) This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

(e) This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the Armed Forces has been granted by any other law.

(f) If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(g) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 39. Section 395.6 of the Military and Veterans Code is amended to read:

395.6. (a) The Governor may appoint a mediator in their office to take complaints, regarding possible violations or other issues dealing with the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. Sec. 4301 et seq.), hereafter USERRA, and Section 395.06, and to resolve and coordinate the resolution of those complaints or issues, from state employees who satisfy both of the following:

(1) Are members of either of the following:

(A) The California National Guard.

(B) A reserve component of the Armed Forces of the United States.

(2) Encounter problems regaining their state position when they return from service in the California National Guard or from service in a reserve component of the United States Armed Forces.

(b) Each state agency and department may appoint a mediator to take complaints, regarding possible violations of USERRA and other issues relating to state pay, and to resolve and coordinate the resolution of those complaints with, if necessary, the assistance of the Governor-appointed ombudsman, from employees of that department or agency who are members of either the California National Guard or a reserve component of the Armed Forces of the United States.

(c) Mediators appointed under the provisions of subdivisions (a) and (b) shall become knowledgeable about USERRA law and, to the extent possible, work with the California Committee for Employer Support of the Guard and Reserve, a Department of Defense organization, and the California National Guard.

SEC. 40. Section 395.10 of the Military and Veterans Code is amended to read:

395.10. (a) Notwithstanding any other law, a qualified employer shall allow a qualified employee to take up to 10 days of unpaid leave during a qualified leave period.

(b) For purposes of this section:

(1) "Period of military conflict" means either of the following:

(A) A period of war declared by the United States Congress.

(B) A period of deployment for which a member of a reserve component is ordered to active duty pursuant to either of the following:

(i) Sections 12301 and 12302 of Title 10 of the United States Code.

(ii) Title 32 of the United States Code.

(2) "Qualified employee" means a person who satisfies all of the following:

(A) Is the spouse of a qualified member.

(B) Performs service for hire for an employer for an average of 20 or more hours per week, but does not include an independent contractor.

(C) Provides the qualified employer with notice, within two business days of receiving official notice that the qualified member will be on leave from deployment, of their intention to take the leave provided for in subdivision (a).

(D) Submits written documentation to the qualified employer certifying that the qualified member will be on leave from deployment during the time the leave provided for in subdivision (a) is requested.

(3) "Qualified employer" includes any individual, corporation, company, firm, state, city, county, city and county, municipal corporation, district, public authority, or any other governmental subdivision, that employs 25 or more employees.

(4) "Qualified member" means a person who is any of the following:

(A) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States.

(B) A member of the National Guard who has been deployed during a period of military conflict.

(C) A member of the Reserves who has been deployed during a period of military conflict.

(5) "Qualified leave period" means the period during which the qualified member is on leave from deployment during a period of military conflict.

(c) A qualified employer shall not retaliate against a qualified employee for requesting or taking the leave provided for in this section.

(d) The leave provided for in this section shall not affect or prevent a qualified employer from allowing a qualified employee to take a leave that the qualified employee is otherwise entitled to take.

(e) This section shall not affect a qualified employee's rights with respect to any other employee benefit provided for in other laws.

SEC. 41. Section 399 of the Military and Veterans Code is amended to read:

399. (a) (1) The Secretary of the California Department of Veterans Affairs, or their designees, shall assist any eligible member or veteran who returns or has returned to this state in obtaining a best practice health screening test for exposure to depleted uranium. The screening should consist of a bioassay procedure capable of detecting depleted uranium at low levels and discriminating between different uranium isotopes. State funds shall not be used to pay for the tests or any other federal treatment services.

(2) The eligible member or veteran must return or have returned to this state after service in an area where depleted uranium was used or that was designated as a combat zone by the President of the United States after 1990. The eligible member or veteran shall either be assigned a risk level I, II, or III for depleted uranium exposure by their branch of service, be referred by a military physician, or have reason to believe that they were exposed to depleted uranium during their service.

(b) (1) In order to effectively provide the assistance required by subdivision (a), the Secretary of the California Department of Veterans Affairs, or their designees, shall develop and implement a plan for outreach to eligible members and veterans who have returned from combat areas where depleted uranium was used.

(2) The outreach plan shall provide information to eligible members and veterans concerning their potential exposure to depleted uranium, the possible hazards associated with exposure, and the right to federal depleted uranium screening services.

(c) For purposes of this section, all of the following apply:

(1) "Eligible member" means a member who served in the Persian Gulf War, as defined in Section 101 of Title 38 of the United States Code, in an area designated as a combat zone by the President of United States during Operation Enduring Freedom or Operation Iraqi Freedom, or in any other combat theater where depleted uranium was used.

(2) "Member" or "member of the Armed Forces" means a member of the Armed Forces of the United States, including the California National Guard, who is a resident of this state.

(3) "Military physician" means a provider who is under contract with the United States Department of Defense to provide physician services to members of the Armed Forces.

SEC. 42. Section 399.5 of the Military and Veterans Code is amended to read:

399.5. (a) (1) The Secretary of the California Department of Veterans Affairs, or their designees, shall assist any eligible member or veteran who returns or has returned to this state in obtaining an appropriate health screening test for traumatic brain injury and

post-traumatic stress disorder.

(2) The eligible member or veteran must return or have returned to this state after service.

(b) (1) In order to effectively provide the assistance required by subdivision (a), the Secretary of the California Department of Veterans Affairs, or their designees, shall develop and implement a plan for outreach to eligible members and veterans who have returned from combat. The Adjutant General, or their designee, shall also develop and implement a plan for outreach to eligible members of the California National Guard who have returned from combat and remain on duty in order to effectively provide the service required by subdivision (a).

(2) Each outreach plan shall provide information to eligible members and veterans concerning traumatic brain injury and post-traumatic stress disorder, the possible impacts associated with traumatic brain injury and post-traumatic stress disorder, and the right to screening services.

(c) For purposes of this section, both of the following apply:

(1) "Eligible member" means a member who served under Title 10 of the United States Code as designated by Executive Orders Nos. 12744 and 13239 of the President of the United States.

(2) "Member" or "member of the Armed Forces" means a member of the Armed Forces of the United States, including the California National Guard, who is a resident of this state.

SEC. 43. Section 402 of the Military and Veterans Code is amended to read:

402. (a) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court a declaration under penalty of perjury setting forth facts showing that the defendant is not in the military service. If unable to file that declaration, the plaintiff shall, in lieu thereof, file a declaration setting forth either that the defendant is in the service or that the plaintiff is not able to determine whether or not the defendant is in the service. If a declaration is not filed showing that the defendant is not in the military service, judgment shall not be entered without first securing an order of court directing that entry, and an order shall not be made if the defendant is in the military service until after the court appoints an attorney to represent the defendant and protect their interest, and the court shall, on application, make that appointment. If an attorney appointed under this section to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. Unless it appears that the defendant is not in the military service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in the military service, against any loss or damage that they may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. The court may make other orders or enter that judgment as in its opinion is necessary to protect the rights of the defendant under this section.

(b) Any person who shall, for purposes of this section, make or use a declaration declared to be true under penalty of perjury, knowing it to be false, is guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both. Any person violating any provision of this section is also liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(c) In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subdivision upon application of counsel, or on the court's own motion, if the court determines that there may be a defense to the action and a defense cannot be presented without the presence of the defendant, or, after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

(d) In any action or proceeding in which a service member is a party, if the service member does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent them. In that case a bond may be required and an order made to protect the rights of the service member. However, an attorney appointed under this chapter to protect a service member shall not have the power to waive any right of the person for whom they are appointed or bind them by their acts.

(e) If judgment is rendered in any action or proceeding governed by this chapter against any service member during the period of that service or within 30 days thereafter, and it appears that the service member was prejudiced by reason of their military service in making their defense thereto, the judgment may, upon application made by the service member or their legal representative not later than 90 days after the termination of the service, be opened by the court rendering the same and the defendant or their legal representative let in to defend; provided the application states a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment by reason of this chapter shall not impair any right or title acquired by any bona fide purchaser for value under that judgment.

(f) For purposes of this section and any declaration made under this section, a defendant shall be deemed to be "in the military service" if they are either:

(1) Currently in the military service.

(2) Were in the military service within the preceding 120 days.

SEC. 44. Section 403 of the Military and Veterans Code is amended to read:

403. (a) At any stage in any action or proceeding in which a service member is involved, either as plaintiff or defendant, during a period of military service or within 120 days thereafter, the court may, in its discretion on its own motion, and shall, on application to it by the service member or some person on their behalf, stay the action or proceeding unless, in the opinion of the court, the ability of the plaintiff to prosecute the action or the defendant to conduct their defense is not materially affected by reason of their military service.

(b) When an action for compliance with the terms of any contract is stayed pursuant to this section, no fine or penalty shall accrue by reason of failure to comply with the terms of the contract during the period of the stay, and when a person fails to perform any obligation and if a fine or penalty for the nonperformance is incurred a court may, on those terms as may be just, provide relief against the enforcement of that fine or penalty if it appears that the person who would suffer by that fine or penalty was in the military service when the penalty was incurred and that by reason of military service the ability of the person to pay or perform was thereby materially impaired.

(c) In any action or proceeding against a service member, before or during the period of the service, or within 120 days thereafter, the court may, in its discretion on its own motion, or shall, upon application to it by the service member or some person on their behalf, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of their military service, do either of the following:

(1) Stay the execution of any judgment or order entered against a service member.

(2) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment.

(d) Any stay of any action, proceeding, attachment, or execution ordered by any court under this section may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of that period, and subject to those terms as may be just, including terms with respect to payment in installments of those amounts at those times as the court may fix. If the service member is a codefendant with others the plaintiff may nevertheless, by leave of court, proceed against the others.

(e) A service member who is granted a stay of a civil action or proceeding under this section may apply for an additional stay based on continuing material effect of military duty on the service member's ability to appear. If the court refuses to grant an additional stay of proceedings, it shall appoint counsel to represent the service member in the action or proceeding.

(f) An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

SEC. 45. Section 404 of the Military and Veterans Code is amended to read:

404. (a) A period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any service member or by or against their heirs, executors, administrators, or assigns, whether the cause of action or the right or privilege to institute the action or proceeding accrued prior to or during the period of service, nor shall any part of the period be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment.

(b) This section shall not apply with respect to any period of limitation prescribed by or under the federal Internal Revenue Code.

SEC. 46. Section 409.1 of the Military and Veterans Code is amended to read:

409.1. (a) When a life insurance policy on the life of a service member in military service has been assigned prior to that person's period of military service to secure the payment of any obligation of the person, an assignee of the policy, except the insurer in connection with a policy loan, shall not, during the period of military service of the insured or within one year thereafter, except upon the consent in writing of the insured made during that period or when the premiums thereon are due and unpaid or upon the death of the insured, exercise any right or option by virtue of that assignment unless upon leave of court granted upon an

application made therefor by the assignee. The court may thereupon refuse to grant that leave unless in the opinion of the court the ability of the obligor to comply with the terms of the obligation is not materially affected by reason of their military service.

(b) A person shall not exercise any right to foreclose or enforce any lien on the property or personal effects of a service member, including liens for storage, repair, or cleaning, during that person's period of military service and for 120 days thereafter, except upon an order previously granted by a court upon application therefor and a return thereto made and approved by the court. In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, or if requested by a service member whose ability to comply with the obligation resulting in the proceeding is materially affected by military service, stay the proceeding for a period of time as justice and equity require, or adjust the obligation to preserve the interests of all parties.

(c) Any person violating this section shall be liable for actual damages, reasonable attorney's fees, and costs incurred by the injured party.

(d) A person violating any provision of this section is guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed one thousand dollars (\$1,000), or both.

SEC. 47. Section 409.2 of the Military and Veterans Code is amended to read:

409.2. (a) This section shall apply when any taxes or assessments, whether general or special, other than taxes on income, whether falling due prior to or during their most current period of military service, in respect of personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a service member or their dependents at the commencement of the service member's most current period of military service and still so occupied by the service member's dependents or employees are not paid.

(b) Sale of this property shall not be made to enforce the collection of any tax or assessment, or any proceeding or action commenced for that purpose, except upon leave of court granted upon application made therefor by the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments. The court thereupon, unless in its opinion the ability of the service member to pay the taxes or assessments is not materially affected by reason of that service, may stay the proceedings or sale, as provided in this section, for a period extending not more than six months after the termination of the most current period of military service.

(c) When by law this property may be sold or forfeited to enforce the collection of any tax or assessment, the service member shall have the right to redeem or commence an action to redeem that property, at any time not later than six months after the termination of the period of military service.

(d) Whenever any tax or assessment shall not be paid when due, the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year, and no other penalty or interest shall be incurred by reason of that nonpayment. Any lien for any unpaid taxes or assessments shall also include that interest thereon.

SEC. 48. Section 409.6 of the Military and Veterans Code is amended to read:

409.6. The collection from any service member of any tax on the income of the person, whether falling due prior to or during their period of military service, shall be deferred for a period extending not more than six months after the termination of their period of military service if the person's ability to pay the tax is materially impaired by reason of the service. Interest on any amount of tax, collection of which is deferred for any period under this chapter, and penalty for nonpayment of the amount during that period, shall not accrue for any period of deferment by reason of that nonpayment. The running of any statute of limitations against the collection of any tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service.

SEC. 49. Section 409.8 of the Military and Veterans Code is amended to read:

409.8. (a) In any proceeding under this chapter, a certificate signed by an appropriately authorized officer of the military department, branch, or unit in which a service member is serving shall be prima facie evidence as to any of the following facts stated in that certificate:

- (1) That a person named has not been, is, or has been in the military service.
- (2) The time when and the place where the person entered military service.
- (3) The person's residence at that time, and the rank, branch, and unit of the service that the person entered.
- (4) The dates within which the person was in the military service.

(5) The monthly pay received by the person at the date of issuing the certificate.

(6) The time when and the place where the person died in or was discharged from the service.

(b) It shall be the duty of the authorized officer to furnish that certificate on application, and any certificate, when purporting to be signed by an officer purporting on the face of the certificate to have been so authorized, shall be prima facie evidence of its contents and of the authority of the signer to issue the certificate.

(c) Where a person in military service has been reported missing, they shall be presumed to continue in the service until accounted for, and no period herein limited that begins or ends with the death of the person shall begin or end until the death of the person is in fact reported to or found by the United States Department of Defense or any court or board thereof, or the Military Department or any court or board thereof, or until the person's death is found by a court of competent jurisdiction.

SEC. 50. Section 409.13 of the Military and Veterans Code is amended to read:

409.13. (a) To the extent permitted by federal law and the California Constitution, any principal and interest on any financial obligation or liability bearing interest and incurred by a member of the California National Guard or their surviving spouse, or surviving domestic partner, or any principal and interest on any financial obligation or liability bearing interest incurred by a member of the California National Guard for which the beneficiary of that member is liable, shall be deferred for a period of six months after the death of the member without penalty or accrual of any additional interest.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Interest" includes service charges, renewal charges, fees, or any other charges with respect to any obligation or liability.

(2) "Beneficiary" means a beneficiary of the deceased member of the California National Guard who is or has become, after the member's death, liable for any of the member's financial obligations or liabilities bearing interest.

(c) This section shall only apply:

(1) To a member of the California National Guard that is killed in the line of duty in the service of the state or federal government.

(2) When a member's surviving spouse, surviving domestic partner, or other beneficiary provides written notice of the death of the member to the financial institution to which they are liable and from which they are requesting deferral of interest and payments as set forth in this section.

(3) To a financial obligation or liability bearing interest that was created between a private entity and a member of the California National Guard or their surviving spouse or surviving domestic partner, or to a financial obligation or liability bearing interest that was created between a private entity and a member of the National Guard for which the beneficiary of that member is liable, before that member's entry into service.

SEC. 51. Section 416 of the Military and Veterans Code is amended to read:

416. (a) When the amount determined by a board, as provided in Section 415, as the value of lost, damaged, or destroyed property is charged to a person, it shall be deducted from any pay or allowance due or to become due to the person from the state. Money due to the state for any reason, with or without the action of a board, from a member of the active militia, a member of the unorganized militia when called for active duty, or any civilian employee of the Office of the Adjutant General shall be deducted or withheld from any money due or to become due that member or civilian employee from the state, including any pay and allowances payable pursuant to Article 1 (commencing with Section 320) of Chapter 5 of Part 1 of Division 2. When the amount is charged to a command, it shall be deducted one-half in successive calendar years from any allowance or money due or to become due to it from the state, except that on the disbandment of a command any indebtedness then existing and any indebtedness as may be charged to it upon a final settlement of property accounts shall, as soon as determined, be paid out of its military funds or unexpended appropriations.

(b) An action may be maintained in the name of the people of the state in any court of competent jurisdiction by the Attorney General, upon request of the Adjutant General, to recover from a member of the active militia, a member of the unorganized militia when called for active duty, or any civilian employee of the Office of the Adjutant General or their sureties any indebtedness to the state remaining unpaid upon final determination of the indebtedness.

SEC. 52. Section 502 of the Military and Veterans Code is amended to read:

502. Upon recommendation of the governing board having jurisdiction over the college, community college, or school, the Adjutant General may appoint officers, warrant officers, and noncommissioned officers in the California Cadet Corps for duty as

commandants of cadets or assistant commandants of cadets in each college, community college, or school under the jurisdiction of the governing board. Except when ordered to state active duty by the Governor, the officers, warrant officers, and noncommissioned officers shall be under the immediate control and jurisdiction of the governing board of the college, community college, or school at which they are on duty, and pay, allowances, and expenses shall be disbursed from funds appropriated for the maintenance and operations of the college, community college, or school where they serve. Each officer, warrant officer, and noncommissioned officer shall hold their appointment at the pleasure of the governing board, or until a successor has been appointed and qualified, or their affiliation with the California Cadet Corps is severed.

SEC. 53. Section 520 of the Military and Veterans Code is amended to read:

520. (a) Any executive officer, assistant executive officer, regional advisor, or officer, warrant officer, or noncommissioned officer appointed or detailed pursuant to Sections 502, 502.1, 512, 513, 515, or 516.1, who is wounded, injured, disabled, or killed in the performance of ordered duty shall be entitled to receive compensation from the state in accordance with the provisions of Division 4 (commencing with Section 3200) of the Labor Code. In all such cases, these individuals shall be deemed to be employees of the state. The compensation for any such individual shall be ascertained, determined, and fixed upon the basis of their average income from all sources during the year immediately preceding the date of the injury or death, or the commencement of the disability, but compensation shall not exceed the maximum prescribed in Division 4 (commencing with Section 3200) of the Labor Code.

(b) In determining the benefits awarded to an individual under the provisions of this section, it shall be conclusively presumed that the average yearly earning of the injured or deceased individual is not less than ten thousand dollars (\$10,000). Any injury, death, or disability shall be deemed to have been suffered in line of duty unless the injury, death, or disability resulted from misconduct or disobedience of lawful orders by the injured or deceased individual.

SEC. 54. Section 530 of the Military and Veterans Code is amended to read:

530. In any military academy, having not less than 80 students, uniformed, drilled, and instructed in strict accordance with the tactics of the regular United States Army, and in which the instruction is conducted in accordance with military principles, the military instructor or instructors or professors of military science and tactics of the academy regularly elected or appointed by the board of trustees or other lawful authority of the academy, may be commissioned in the California Cadet Corps with the rank of major or lower rank. Such officers shall not exercise authority or command except as military instructor or instructors or professors of military science and tactics of such academy. The commissions shall be granted and may be revoked by the Adjutant General, under such rules and regulations as they may prescribe.

SEC. 55. Section 552 of the Military and Veterans Code is amended to read:

552. (a) Officers and warrant officers of the forces herein authorized on active duty in the service of the state shall receive the same pay and allowances as officers of similar grade in the Army of the United States.

(b) An officer, warrant officer or enlisted person of the forces herein authorized may, with their consent, be detailed for duty and may be paid compensation in any grade lower than the officer, warrant officer, or enlisted person actually holds; provided, the officer, warrant officer or enlisted person voluntarily waives all compensation in excess of the lower grade in which they are detailed to duty.

(c) When an officer or warrant officer of the forces herein authorized is detailed for special duty in any matter relating to those forces, by order of the Governor, they shall be allowed the same pay and allowances as officers or warrant officers of similar grade in the Army of the United States and actual traveling expenses. An enlisted person similarly detailed shall be allowed the same pay and allowances as enlisted persons of similar grade in the Army of the United States and actual traveling expenses, except that family allowances shall not be allowed those enlisted persons. An officer, warrant officer or enlisted person of the forces herein authorized may, with their consent, be detailed for special duty without expense to the state, except and provided, however, they may be paid their actual traveling expenses.

(d) In addition to the pay and allowances authorized in this code, personnel of the forces created herein having administrative functions connected therewith may be paid not more than twenty dollars (\$20) per month for the performance of those duties according to rules and regulations adopted by the Adjutant General.

(e) All enlistments of members of the active militia may be extended by the Adjutant General if necessary during the existence of a national emergency.

SEC. 56. Section 554 of the Military and Veterans Code is amended to read:

554. (a) For the use of the State Guard, the Governor may submit requisitions to the United States Secretary of Defense for any arms and equipment in the possession of and excess to or not required by the Department of the Army or allotted or available to the State Guard. The Governor may provide arms and equipment to the State Guard that are not furnished by the Department of the Army and are required in the defense of the state. The Governor may make available to the State Guard armories and other state premises, property, supplies, and equipment as may be available.

(b) The members of the State Guard are members of the state militia for purposes of this code.

(c) All unexpended balances appropriated for the use of the California National Guard or the Adjutant General and not required by the California National Guard or the Adjutant General may be expended by the Adjutant General for the use and benefit of the State Guard and its members. Section 255 does not apply to the State Guard.

SEC. 57. Section 555 of the Military and Veterans Code is amended to read:

555. Such forces shall not be required to serve outside the boundaries of this state except:

(a) Upon the request of the Governor of another state, the Governor of this state may, in their discretion, order any portion or all of such forces as may be then in actual service to assist the military or police forces of the other state who are actually engaged in defending the other state. These forces may be recalled by the Governor at their discretion.

(b) Any organization, unit, or detachment of forces upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment or until the military or police forces of the other state or the forces of the United States have had reasonable opportunity to take up the pursuit or to apprehend or capture such persons if the other state shall have given authority by law for the pursuit by such forces of this state. Any person who is apprehended or captured in another state by an organization, unit, or detachment of the forces of this state shall without unnecessary delay be surrendered to the military or police forces of the state in which they are taken or to the United States. This surrender shall not constitute a waiver by this state of its rights to extradite or prosecute the person for any crime committed in this state.

(c) Pursuant to the provisions of the National Defense Act of 1916, as amended, and such amendments as may be made thereto hereafter.

SEC. 58. Section 557 of the Military and Veterans Code is amended to read:

557. (a) A person shall not, by reason of their enlistment or commission in any such forces, be exempted from military service under any law of the United States.

(b) Section 230 and Sections 232 to 237, inclusive, apply to commissioned officers. Section 225 applies to warrant officers. Sections 252, 253, 254 and 260, except subdivision (b) of Section 260, apply to enlisted personnel of the forces authorized herein. However, this code shall not prevent the transfer, by order of the Governor, at any time, of any member of those forces to a reserve list created in the office of the Commanding General of the State Military Forces.

SEC. 59. Section 559 of the Military and Veterans Code is amended to read:

559. A person shall not be commissioned or enlisted in such forces who is not a citizen of the United States or who has not declared their intention to become a citizen or who has been expelled or dishonorably discharged from any military or naval organization of this state, or of another state, or of the United States.

SEC. 60. Section 560 of the Military and Veterans Code is amended to read:

560. (a) The Uniform Code of Military Justice (Chapter 47 (commencing with Section 801) of Title 10 of the United States Code) and the rules and regulations adopted thereunder, together with the Manual for Courts-Martial, United States, 1984 (Executive Order No. 12473 of April 13, 1984, as amended), are hereby adopted as part of this code and shall be applicable to and govern the State Guard.

(b) An officer or enlisted person of the State Guard shall not be arrested on any warrant, except for treason or a felony, while going to, remaining at, or returning from a place the person is ordered to attend for military duty. Every officer and enlisted person of the State Guard, while on active military orders, is exempt from service upon any posse comitatus and from jury duty.

SEC. 61. Section 641 of the Military and Veterans Code is amended to read:

641. (a) A Medal of Valor may be presented to each person who, while an officer or enlisted member of the National Guard or Naval Militia, distinguishes himself by courageous conduct at the risk of life, above and beyond the call of duty while in the service of the state or of the United States.

(b) An award of the Medal of Valor shall not be made except upon clear and incontestable proof by affidavit of at least one eyewitness or person having personal knowledge of the act or deed.

(c) A Medal of Valor may be presented to each person who has been awarded the Congressional Medal of Honor, and proof by affidavit or otherwise of the act or deed shall not be required in those cases.

SEC. 62. Section 642 of the Military and Veterans Code is amended to read:

642. A Military Cross may be presented to each person who, while an officer or enlisted member of the National Guard or Naval Militia, distinguishes himself by extraordinary heroism while in the service of the state or of the United States.

SEC. 63. Section 642.1 of the Military and Veterans Code is amended to read:

642.1. (a) The Order of California may be presented to an officer or enlisted member of the National Guard or Naval Militia who has distinguished himself by exceptionally meritorious conduct in the performance of outstanding service to the state or the United States in a position of great responsibility. The performance of duty shall have been such as to merit recognition of service rendered in a clearly exceptional manner within the scope of a special requirement or of an extremely difficult duty performed in a clearly outstanding manner. Performance of duties normal to the grade and branch, specialty or assignment, and experience of an individual is not an adequate basis for this decoration, except that justification of the award may accrue by virtue of outstanding meritorious service in a succession of important positions.

(b) The accomplishment of the duty or period of service for which the decoration is recommended should have been completed prior to submitting a recommendation. However, if the person being recommended is transferred or will retire prior to completion, the action or accomplishment shall have reached a point of progression that will clearly establish the individual's contribution to be outstanding or represent significant accomplishment.

(c) The Order of California may also be awarded to civilians and members of other military services who distinguish themselves as indicated in this section.

SEC. 64. Section 643 of the Military and Veterans Code is amended to read:

643. (a) A Medal of Merit may be presented to each person who, while an officer, warrant officer, or enlisted member of the National Guard or Naval Militia, distinguishes himself by exceptionally meritorious service to the state or the United States in a duty of great responsibility or to any person who, by unselfish and untiring activities in connection with the National Guard or Naval Militia, has rendered a distinct service in furthering the interests of and in promoting the security and welfare of the state.

(b) The Medal of Merit may also be awarded to civilians and members of other military services who distinguish themselves as indicated in this section.

SEC. 65. Section 807 of the Military and Veterans Code is amended to read:

807. (a) The holder of a loan or retail installment sales contract with respect to which the debtor has purchased prepaid credit disability insurance shall give notice to the debtor not less than 30 days before the expiration date of the insurance that the debtor will not be protected during the period between that expiration date and the deferred maturity date of the loan or contract unless the insurance is extended. The debtor may, at their option, direct the holder to add the amount of the additional premium to the unpaid balance of the loan or contract.

(b) The holder of an open-ended loan or retail installment account with respect to which the debtor has purchased credit disability insurance with premiums payable monthly together with the installment payments on the loan or the account shall give notice to the debtor that the debtor will not be protected by the insurance during the period specified in Section 800 unless the debtor elects to continue payment of premiums during that period. The debtor may, at their option, direct the holder to add the amount of those premiums to the unpaid balance of the account.

SEC. 66. Section 811 of the Military and Veterans Code is amended to read:

811. (a) The spouse or legal dependent, or both, of a reservist who is called to active duty, shall be entitled to the benefits accorded to a reservist under this chapter, provided that the reservist is eligible for the benefits.

(b) This chapter applies only to an obligation specified in this chapter that was incurred prior to the date that a reservist was called to their current period of active duty.

SEC. 67. Section 824 of the Military and Veterans Code is amended to read:

824. (a) An institution shall, upon request, grant an academic leave of absence for military service to any student who is a member of the active militia, as defined by Section 120, or a reserve component of the Armed Forces of the United States, as defined by Section 101 of Title 10 of the United States Code, who is ordered to active duty pursuant to Section 143 or 146 or federal law.

(b) If requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, the institution in which the student is enrolled shall do one of the following, as elected by the student:

(1) The institution shall make arrangements to reasonably accommodate and assist the student so that they are able to meet any and all coursework requirements that they may have missed due to military service.

(2) The institution shall refund the tuition and fees paid by the student for the academic term in which the student is required to report for military service regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced. The refund shall equal 100 percent of the tuition and fee charges the student paid the institution for the applicable academic term.

(c) If requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, the institution shall restore the student to the educational status the student had attained prior to being called to military service without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of military service.

(d) If an institution fails to comply with this section, the student may bring an action against the institution to enforce its provisions in any court of competent jurisdiction of the county in which the student resides. If the student resides outside of this state, the action shall be brought in the court of the county in which the campus of the institution previously attended by the student is located. The court may award reasonable attorney's fees and expenses if the student prevails in the action.

(e) The Legislature hereby requests that the University of California adopt policies similar to those set forth in this section.

(f) For purposes of this section, "institution" includes any public postsecondary educational institution and any private postsecondary educational institution, as defined in Section 94858 of the Education Code.

SEC. 68. Section 827 of the Military and Veterans Code is amended to read:

827. (a) A qualified customer may apply for and shall receive shutoff protection from a service provider for a period of 180 days. The service provider may grant extensions after the initial 180-day period.

(b) A qualified customer may apply for shutoff protection for utility service by notifying the service provider that they are in need of assistance because of a reduction in household income as the result of a member of a qualified household being called to active duty status in the military.

(c) Notification of the need for assistance shall be submitted in writing and accompanied by a copy of the activation or deployment order of a service member that specifies the duration of the active duty status. The written notification shall also include self-certification that the qualified household of the qualified customer will be occupied by the qualified customer's legal dependent or dependents during the duration of the shutoff protection period.

(d) A qualified customer receiving assistance under this section shall notify the service provider if the active duty status of the service member will be extended.

(e) If the qualified customer moves out of the residence that is receiving shutoff protection, they shall provide the service provider a written notice that includes the date of service termination and a forwarding address.

(f) Unless waived by the service provider, the shutoff protection provided under this section shall not void or limit the obligation of the qualified customer to pay for utility services received during the time of assistance.

(g) All service providers shall do the following:

(1) Establish a repayment plan requiring minimum monthly payments that allows the qualified customer to pay any past due amounts over a reasonable time period not to exceed one year after the service member's release from active military duty.

(2) Not charge late payment fees or interest to the qualified customer during the period of military service or the repayment period.

(h) This section shall not affect or amend any rules or orders of the Public Utilities Commission pertaining to billing standards.

(i) If terms and conditions under this section are not followed by the qualified customer, the service provider may follow its procedures and rules on customer standards and billing practices for providing electric, water, and gas residential services.

(j) For public utilities regulated by the Public Utilities Commission, the commission shall allow recovery of reasonable costs incurred to implement this section.

(k) For purposes of this section:

(1) "Service provider" means a provider of utility services, including, but not limited to, public utilities that are subject to the jurisdiction of the Public Utilities Commission, local publicly owned electric utilities, as defined by Section 224.3 of the Public Utilities Code, and public water, sewer, or solid waste collection services, or any combination thereof. "Service provider" does not include any corporation described in subdivision (a) of Section 234 of the Public Utilities Code.

(2) "Qualified customer" means the customer of record of a qualified household.

(3) A "qualified household" is a residential household for which the income is reduced because the customer of record, the spouse of the customer of record, or the registered domestic partner of the customer of record, as defined by Section 297.5 of the Family Code, is a service member called to full-time active military service under Section 143 or 146 or federal law.

SEC. 69. Section 890.3 of the Military and Veterans Code is amended to read:

890.3. (a) (1) Notwithstanding any other law, on or after January 1, 2001, a claimant is not ineligible for a disabled veterans' benefit for lack of certification of disability of the veteran with respect to whom the benefit is sought, if there is a currently pending application to the United States Department of Veterans Affairs (USDVA) for certification of disability for that veteran and the subsequently received certification qualifies the veteran for the benefit. An entity of state government, or any political subdivision thereof, to which a claim for a disabled veterans' benefit is made, shall require the claimant to provide written verification that an application had been pending with the USDVA at the time the claim for the disabled veterans' benefit is submitted.

(2) For purposes of this subdivision, "disabled veterans benefit" means an exemption, privilege, service, or other legal benefit that is provided pursuant to law by the state, or a political subdivision thereof, exclusively to a disabled veteran, or their surviving spouse, surviving domestic partner, parent, or child.

(b) (1) For purposes of applying the disabled veterans' property tax exemption set forth in Section 205.5 of the Revenue and Taxation Code, any amount of tax, including any interest or penalty thereon, levied upon that portion of the assessed value of real property that would have been exempt if the veteran's pending application for certification of disability had been finalized, shall be canceled or refunded if both of the following conditions are met:

(A) The certification is received and is forwarded to the county assessor.

(B) A return is made as required by Section 277 of the Revenue and Taxation Code.

(2) Any refund issued pursuant to this subdivision is subject to the limitations periods for refunds set forth in Section 5097 of the Revenue and Taxation Code.

SEC. 70. Section 891 of the Military and Veterans Code is amended to read:

891. (a) A dependent of a veteran applying for aid under this article shall be over 14 years of age or shall have entered the ninth grade, and shall be a native of or shall have lived in this state for five of the nine years immediately preceding the date that the application is filed.

(b) Any dependent of a veteran who has attained eligibility pursuant to this article while under 21 years of age may continue to receive the benefits of this article until the needed training is completed or until they attain 27 years of age, whatever first occurs.

(c) The eligibility limitations of subdivision (b) shall not apply to the spouse or dependent surviving spouse or domestic partner of a veteran. However, the spouse or dependent surviving spouse or domestic partner of a veteran shall be limited to not more than 48 months, of full-time training, or the equivalent thereof in part-time training.

(d) Notwithstanding the eligibility limitations of subdivision (b), a dependent who has honorably served in the Armed Forces of the United States may be granted an extension of training through 30 years of age.

(e) The eligibility limitations of subdivisions (a) and (b) shall not apply to the dependent of a veteran as defined in paragraph (4) of subdivision (a) of Section 890.

SEC. 71. Section 928 of the Military and Veterans Code is amended to read:

928. The indigent and dependent surviving spouse or domestic partner, minor child, father, or mother of any indigent veteran may be granted relief by the organization out of the money available under this article.

SEC. 72. Section 944 of the Military and Veterans Code is amended to read:

944. When a deceased veteran or a surviving spouse or domestic partner of a veteran has been interred other than by the person designated by the board of supervisors, the person so designated may pay the sum of three hundred fifty dollars (\$350) toward the burial expenses of the person who would have been entitled to interment by the person designated by the supervisors.

SEC. 73. Section 946 of the Military and Veterans Code is amended to read:

946. Such claims shall be paid by the county in which the veteran or surviving spouse or domestic partner dies. If the decedent was a resident of any other county than the one paying the claim, the county of the decedent's residence shall refund the money advanced by the county where the person died. Such claims shall be audited and paid by the county as other accounts.

SEC. 74. Section 974.5 of the Military and Veterans Code is amended to read:

974.5. (a) The purpose of this section is to provide a mechanism to facilitate the delivery of complete, efficient information and other services to veterans in a convenient setting.

(b) By July 1, 1999, the Department of Veterans Affairs and the Department of Employment Development may enter into interagency agreements with individual counties that elect to participate in the program pursuant to this section, after a determination that services to be provided pursuant to this section are not otherwise being provided and would, thus, not be duplicated. Services provided pursuant to this section shall not be contrary to the purposes of, nor shall they be in conflict with, any one-stop service program provided under federal guidelines. Pursuant to the agreements the departments may agree to provide resources and staff, or both, as necessary to locate within a single facility owned by the participating county, under the coordination of the county veteran service director, a more complete and convenient local service program for veterans.

(c) The veteran service center shall be staffed with persons knowledgeable in employment and veterans benefits issues, and shall contain all necessary resources, information, forms, and other materials necessary for a veteran to receive full employment assistance and a complete assessment of veterans benefits to which they are entitled.

(d) The Department of Veterans Affairs and the Department of Employment Development, after consulting with participating counties, shall jointly report to the Legislature by January 1, 2002, regarding the progress of the program.

SEC. 75. Section 981.3 of the Military and Veterans Code is amended to read:

981.3. The amount expended on account of any one veteran under this article shall not exceed one thousand two hundred dollars (\$1,200). Eligibility for benefits conferred under this article shall not be granted if either the student has not exhausted their rights to educational benefits afforded by the United States Department of Veterans Affairs, or four years have elapsed from termination of educational benefits afforded by the United States Department of Veterans Affairs.

SEC. 76. Section 987.58 of the Military and Veterans Code is amended to read:

987.58. (a) If a veteran dies after filing an application for purchase of a farm or a home, and the veteran's eligibility and qualifications are subsequently approved, the veteran's surviving spouse or surviving domestic partner may, in the discretion of the department, succeed to the veteran's rights under the application, and may succeed to the veteran's rights, privileges, and benefits under this article. The contract of purchase that the department otherwise would have made with the deceased veteran may be made with the surviving spouse or domestic partner.

(b) If a person was a member of the Armed Forces on active military duty, entered active duty while in the State of California and lived in this state for six months immediately preceding entry into active duty, and was killed in the line of duty while on active duty or died after discharge from active duty from injuries incurred in the line of duty while on active duty, that person is a veteran for purposes of this article, and their unremarried surviving spouse, or surviving domestic partner who has not remarried or entered into a domestic partnership with another person, may file an application, is entitled to the same rights, privileges, and benefits for which the Armed Forces member would have been eligible, and may contract with the department pursuant to subdivision (a). In

making a determination of eligibility under this subdivision, the department may base its determination on documentation furnished to the surviving spouse or surviving domestic partner by the United States Department of Veterans Affairs specifying the cause of death of the Armed Forces member.

(c) If a member of the Armed Forces entered active military duty while in the State of California, lived in this state for six months or more immediately preceding entry into active duty, and is being held as a prisoner of war or has been designated by the Armed Forces as missing in action, that person is a veteran for purposes of this article, and their spouse may file an application, is entitled to the same rights, privileges, and benefits, and may contract with the department pursuant to subdivision (a).

SEC. 77. Section 987.69 of the Military and Veterans Code is amended to read:

987.69. (a) The department shall then enter into a contract with the veteran for the sale of the property to the veteran. The department shall fix the selling price of the property as the purchase price thereof, as the total cost of improvements constructed, or as the value of the property, as determined by the department when the property is acquired by the department in a manner other than by purchase, to which the department may add all expenses incurred and estimated to be incurred by the department in relation thereto, inclusive of interest, administration, appraisals, examination of title, insurance premiums, mortgage guaranty fees, origination fees, incidental expenses, and the sum deemed necessary to meet unforeseen contingencies. In the case of real property acquired for the purpose of constructing improvements thereon, the department shall forthwith after acquiring that real property enter into the contract with the veteran authorized by this section at a selling price that does not exceed the department's appraised value of the land, if the loan is to include the value of the land, and the amount of the department's appraised value of the improvements to be constructed thereon and any of the other additions herein authorized. After the execution of the contract between the veteran and the department and the making of the initial payment thereon the department shall be authorized to pay the cost of the improvements contracted to be constructed on the real property, making progress payments thereon in the amounts and at those times that the department approves. The department shall, upon written request of the veteran and the veteran's contractor, have authority to approve additions to or deletions from the improvements contracted to be constructed and any savings affected or added cost incurred shall be deducted from or added to the amount due the department by the veteran under the terms of their contract.

(b) The department may establish provisions under regulations adopted by the department pursuant to Section 987.93 with respect to cooperative dwelling units in lieu of, or in addition to, those set forth in this section.

(c) When the department enters into a contract for the sale of property on trust to an Indian veteran, the contract shall include the following conditions:

(1) The dwelling house or other improvements contracted to be constructed on trust land shall be completed in compliance with the standards of the building code applicable on the trust land. If there is no building code in force on the trust land, the applicable standards shall be those of the building code of the county in which the trust land is located.

(2) On the completion of construction, the Indian veteran shall provide to the department an inspection certificate from a qualified building inspector certifying that the dwelling house or other improvements comply with the standards of the building code as required by paragraph (1).

SEC. 78. Section 987.74 of the Military and Veterans Code is amended to read:

987.74. (a) (1) All properties purchased by the department shall be covered by insurance. Except as set forth in regulations adopted by the department pursuant to Section 987.93 in lieu of, or in addition to, the provisions of this subdivision, with respect to cooperative dwelling units, insurance purchased by the department shall be guaranteed replacement cost coverage as described in subdivisions (e) and (f) of Section 10102 of the Insurance Code against fire and other hazards for the full replacement cost of the improvements or structures, shall include limited building code upgrade as described in Section 10103 of the Insurance Code, and shall be placed with a company or companies as the department may determine from time to time.

(2) The department may charge purchasers a premium to cover the cost to the department for insurance obtained pursuant to this subdivision. The premium shall not exceed the actual cost to the department for the coverage provided.

(b) The contract made between the department and the purchaser shall provide that the purchaser maintain the farm or home as their place of residence and keep in good order and repair all buildings, fences, and other permanent improvements situated thereon. Insurance policies purchased by the department shall be obtained to insure and keep insured against fire and other hazards, all buildings, fences, and other permanent improvements on the property. All policies shall be written with any loss payable to the department and the purchaser as their interests may appear. Insurance shall be in the amount, with the insurance companies, and under the terms and conditions as may be specified by the department.

(c) Upon renewal, the department shall assist the purchaser in determining the insurance level necessary to repair or replace the damaged or destroyed dwelling with like or equivalent construction and in determining how best to purchase additional coverage,

if desired. The purchaser shall be solely responsible for requesting in writing and maintaining any additional amounts of insurance necessary to protect their interest in the property, and shall bear the risk of any loss in excess of the amount of insurance in force at the time of the loss.

(d) The department shall annually send a disclosure notice to all purchasers who have residential property insurance provided through the department. The notice shall identify the type of coverage, and shall disclose all of the following in a clear and reasonable manner:

(1) The limits of liability for the structure and improvements.

(2) The amount of any deductibles.

(3) Whether the policy covers the increased costs due to changes in building ordinances or laws regulating construction or repair.

(4) A statement explaining the importance of having guaranteed replacement cost coverage.

(5) A statement that the policy provided by the department provides limited building code upgrade coverage and the applicable limits and restrictions to that coverage.

SEC. 79. Section 987.77 of the Military and Veterans Code is amended to read:

987.77. If a purchaser fails to comply with any of the terms of their contract of purchase, the department may cancel the contract, and be released from all obligations, at law or in equity, to convey the property, and the purchaser shall forfeit all right thereto. All payments previously made shall be deemed to be rental paid for occupancy. Upon forfeiture, the department shall take possession of the property covered by the contract, and shall remove all persons and personal property therefrom without any liability on the part of the department or of any official or employee thereof for any damage or injury caused by or incident to the entry or removal. The failure of the department to exercise any option to cancel or to exercise any other privilege under the contract for any default shall not constitute a waiver of the right to exercise the option or privilege for any other default on the part of the purchaser. The department shall allow a stock cooperative, as defined in Section 4190 of the Civil Code, the opportunity to cure any failure by a purchaser described in this section.

SEC. 80. Section 987.79 of the Military and Veterans Code is amended to read:

987.79. (a) Except as otherwise provided in subdivision (b), the department may, in the contract of purchase with a veteran, provide that, in the event of default by the veteran and forfeiture of their rights under the contract and subsequent sale of the property by the department, it may pay to the veteran any net gain realized by the department upon the sale. The department is the sole judge of the net gain.

(b) The net gain realized by the department upon the sale of a cooperative dwelling unit owned by a limited equity housing cooperative shall be determined in accordance with regulations adopted by the department pursuant to Section 987.93.

SEC. 81. Section 988.2 of the Military and Veterans Code is amended to read:

988.2. (a) For purposes of this section, "purchaser" has the same definition as provided in Section 987.53.

(b) Out of any money available in the Veterans' Farm and Home Building Fund of 1943, the department may advance to any purchaser upon their application, and under the policies as the department may, from time to time, prescribe, sums for the purpose of paying taxes and assessments, or making permanent improvements, including permanent improvements for the purpose of increasing farm productivity, or for keeping in good order or repair, or for painting, redecorating, or remodeling, all buildings, fences, or other permanent improvements on, or the insuring against fire or other hazards, any building, fence, or other permanent improvement, or crops on the property being purchased from the department, or the department may advance to the purchaser moneys actually expended in so doing.

(c) Any of the money advanced to a purchaser by the department may be added to the deferred principal of the purchaser's account and shall bear interest at the rate prescribed by the department and shall be repaid by the purchaser to the department under the conditions as it may prescribe.

(d) The moneys advanced may, in the discretion of the department, be in addition to the maximum purchase price of a farm or home as provided by the Veterans' Farm and Home Purchase Act of 1974, as amended, and acts supplementary thereto.

(e) Any money required by the department to be paid for the purpose of taxes, insurance premiums, and other charges when they become due may be maintained by the department using the escrow accounting method in accordance with lending industry standards and the laws governing escrow accounts of this type.

(f) The department shall be the sole judge of the need and desirability of making advances or requiring payments by the purchaser under this section.

SEC. 82. Section 988.4 of the Military and Veterans Code is amended to read:

988.4. (a) For purposes of this section, "purchaser" includes any veteran whose only loan with the department is for the purpose of a home improvement on property that is the principal place of residence of the veteran.

(b) (1) Out of any money available in the Veterans' Farm and Home Building Fund of 1943, the department may advance to a purchaser upon their application, and under the policies as the department may, from time to time, prescribe, sums for the purpose of making alterations, repairs, or improvements on or in connection with the principal place of residence of the purchaser.

(2) Notwithstanding any other law, in making the advances described in paragraph (1), the department may secure that advance by issuing a deed of trust, a promissory note, or other security interest that is subordinate to any existing financing on the principal place of residence of the purchaser.

(c) The department shall be the sole judge of the need and desirability of making advances and the method of repayment by the purchaser under this section.

SEC. 83. Section 996.979 of the Military and Veterans Code is amended to read:

996.979. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, or, if that board is redesignated by the Legislature as the California Veterans Advisory Board, the members of the California Veterans Advisory Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 84. Section 996.993 of the Military and Veterans Code is amended to read:

996.993. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 85. Section 997.009 of the Military and Veterans Code is amended to read:

997.009. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 86. Section 998.009 of the Military and Veterans Code is amended to read:

998.009. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy

committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 87. Section 998.029 of the Military and Veterans Code is amended to read:

998.029. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports, and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 88. Section 998.049 of the Military and Veterans Code is amended to read:

998.049. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports, and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 89. Section 998.060 of the Military and Veterans Code is amended to read:

998.060. While bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, that survey to be made by an independent public accountant of recognized standing. The results of the surveys and projections shall be set forth in written reports, and the independent public accountant shall forward copies of the reports to the Secretary of Veterans Affairs, the members of the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse the independent public accountant for their services out of any funds that the division may have available on deposit with the Treasurer of the State of California.

SEC. 90. Section 998.071 of the Military and Veterans Code is amended to read:

998.071. (a) So long as bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of money that the division may have available on deposit with the Treasurer.

SEC. 91. Section 998.082 of the Military and Veterans Code is amended to read:

998.082. (a) So long as bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of money that the division may have available on deposit with the Treasurer.

SEC. 92. Section 998.094 of the Military and Veterans Code is amended to read:

998.094. (a) So long as bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of money that the division may have available on deposit with the Treasurer.

SEC. 93. Section 998.107 of the Military and Veterans Code is amended to read:

998.107. (a) So long as bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of money that the division may have available on deposit with the Treasurer.

SEC. 94. Section 998.209 of the Military and Veterans Code is amended to read:

998.209. (a) So long as bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, and the committee.

(b) The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of money that the division may have available on deposit with the Treasurer.

SEC. 95. Section 999.2 of the Military and Veterans Code is amended to read:

999.2. (a) Notwithstanding any other law, contracts awarded by any state agency, department, officer, or other state governmental entity, including school districts when they are expending state funds for construction, professional services (except those subject to Chapter 6 (commencing with Section 16850) of Part 3 of Division 4 of Title 2 of the Government Code), materials, supplies, equipment, alteration, repair, or improvement shall have statewide participation goals of not less than 3 percent for disabled veteran business enterprises. These goals apply to the overall dollar amount expended each year by the awarding department.

(b) For purposes of this section:

(1) "Broker" or "agent" means any individual or entity, or any combination thereof, that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to an awarding department, unless one or more certified disabled veterans has 51 percent ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.

(2) "Equipment" means any piece of equipment that is used or provided for rental to any state agency, department, officer, or other state governmental entity, including equipment for which operators are provided.

(3) "Equipment broker" means any broker or agent who rents equipment to an awarding department.

(c) A disabled veteran business enterprise that rents equipment to an awarding department shall be deemed to be an equipment broker unless one or more disabled veterans has 51-percent ownership of the quantity and the value of each piece of equipment. If the equipment is owned by one or more disabled veterans, each disabled veteran owner shall, prior to performance under any contract, submit to the awarding department a declaration signed by the disabled veteran owner stating that the owner is a disabled veteran and providing the name, address, telephone number, and tax identification number of the disabled veteran owner. Each disabled veteran owner shall submit their federal income tax returns to the administering agency pursuant to

subdivision (g) as if they were a disabled veteran business enterprise. The disabled veteran business enterprise of a disabled veteran owner who fails to submit their tax returns will be deemed to be an equipment broker.

(d) A disabled veteran business enterprise that rents equipment to an awarding department shall, prior to performing the contract, submit to the awarding department a declaration signed by each disabled veteran owner and manager of the enterprise stating that the enterprise obtained the contract by representing that the enterprise was a disabled veteran business enterprise meeting and maintaining all of the requirements of a disabled veteran business enterprise. The declaration shall include the name, address, telephone number, and tax identification number of the owner of each piece of equipment identified in the contract.

(e) State funds expended for equipment rented from equipment brokers pursuant to contracts awarded under this section shall not be credited toward the 3-percent goal.

(f) A disabled veteran business enterprise that is a broker or agent and that obtains a contract pursuant to subdivision (a) shall, prior to performing the contract, disclose to the awarding department that the business is a broker or agent. The disclosure shall be made in a declaration signed and executed by each disabled veteran owner and manager of the enterprise, declaring that the enterprise is a broker or agent, and identifying the name, address, and telephone number of the principal for whom the enterprise is acting as a broker or agent.

(g) (1) A disabled veteran business enterprise, and each owner thereof, shall, at the time of certification, submit to the administering agency complete copies of the enterprise's federal income tax returns for the three previous tax years.

(2) A disabled veteran business enterprise, and each owner thereof, shall submit to the administering agency complete copies of the enterprise's federal income tax returns that have a postcertification due date, on or before the due date, including extensions.

(3) A disabled veteran business enterprise that, and each owner thereof who, has not submitted to the administering agency complete copies of the enterprise's federal income tax returns for the three tax years preceding certification nor for each postcertification tax year for which a return was required to be filed, shall have 90 days to submit those returns.

(4) A disabled veteran business enterprise that fails to comply with any provision of this subdivision shall be prohibited from participating in any state contract until the disabled veteran business enterprise complies with the provisions of this subdivision. Funds expended involving a disabled veteran business enterprise during any period in which that enterprise is not in compliance with the provisions of this subdivision shall not be credited toward the awarding department's 3-percent goal.

(h) A disabled veteran business enterprise that fails to maintain the certification requirements set forth in this article shall immediately notify the awarding department and the administering agency of that failure by filing a notice of failure that states with particularity each requirement the disabled veteran business enterprise has failed to maintain.

SEC. 96. Section 1012 of the Military and Veterans Code is amended to read:

1012. (a) Except as provided in Sections 1012.4, 1023, and 1023.1, veterans' homes are for aged or disabled persons who served in the Armed Forces of the United States of America who were discharged or released from active duty under conditions other than dishonorable, who are eligible for health care benefits, hospitalization, or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Department of Veterans Affairs, and who are bona fide residents of this state at the time of application; and for the spouses or domestic partners of these persons if all of the following conditions, as are applicable, are satisfied:

(1) Space is available.

(2) Joint residency will be in the best interests of the home member, as determined by the administrator.

(3) The spouse or domestic partner is a bona fide resident of this state at the time of application for admission to the home and either is married to, and has resided with, the veteran applicant for at least one year, or is the surviving spouse or domestic partner of a recipient of the Medal of Honor or a former prisoner of war (POW).

(4) The home member and spouse or domestic partner agree to pay the fees and charges for joint residency, or for a surviving spouse or domestic partner, for the residency, that the department may establish.

(b) (1) Veterans who qualify for benefits under this chapter due to service during a time of war shall be given priority over veterans who qualify due to service during a time of peace.

(2) Veterans who qualify for benefits under this chapter who are recipients of the Medal of Honor or who were prisoners of war (POWs) shall be given priority over all other qualified veterans, regardless of the level of care required.

(3) Veterans who qualify for benefits under this chapter who have been rated by the United States Department of Veterans Affairs as being 70 percent or greater service-connected disabled may be given priority over other veterans.

(4) The secretary may establish needs-based criteria for admission to the homes, and any veteran meeting those criteria may be given priority over veterans who do not qualify for prioritization under paragraph (2) or (3) and can afford to provide for their own care elsewhere.

(5) Paragraphs (3) and (4) shall not apply to veterans who, as of January 1, 2018, are on a wait list awaiting admission to a veterans' home.

(c) A member spouse or domestic partner may continue residence after the veteran's death so long as they continue to pay all applicable fees.

(d) The property of the home shall be used for this purpose.

SEC. 97. Section 1035.6 of the Military and Veterans Code is amended to read:

1035.6. (a) The administrator shall provide each member of a home with a quarterly statement or accounting of all charges for the costs of care rendered to the member in excess of the member fee, as defined in subdivision (b). The quarterly statement or accounting of charges shall include, in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style, all of the following:

(1) A statement that the charges for the excess costs of care are provided to the member for informational purposes only.

(2) A statement that, if the member is a resident of a home at the time of death, the home may use their money or personal property that is in possession of the home or outside the home for payment of unreimbursed costs of care.

(3) A statement that advises the member to seek counsel from a legal expert to protect their assets.

(b) "Costs of care in excess of the member fee" means all costs that are not covered by the member contribution fee, including, but not limited to, the unreimbursed costs of medical or dental services rendered to the member, either by a home or under contract with a home. The Department of Veterans Affairs shall promulgate regulations specifying the costs that are in excess of the member contribution fee and constitute the unreimbursed costs of care.

(c) The quarterly statement or accounting described in subdivision (a) and any notice relating to quarterly statements posted in a home shall be in 14-point font or larger.

SEC. 98. Section 1035.7 of the Military and Veterans Code is amended to read:

1035.7. (a) Upon admission to a home, the administrator of each home shall provide written notice to the member informing them of costs of care that may be incurred in excess of the member contribution fee. The notification shall do all of the following:

(1) Include an explanation of circumstances under which the member may incur costs that are in excess of the contribution fee.

(2) Specifically indicate that these excess costs of care are costs in addition to, or above and beyond, the member contribution fee.

(3) Provide examples of "excess costs of care that are frequently incurred by members."

(4) Inform the member that they will receive a quarterly accounting statement of the total excess costs of care, but that the statement is provided for informational purposes only.

(5) Inform the member that, if they are a resident of a home at the time of death, the home may disburse their moneys or personal property for payment of unreimbursed excess costs of care.

(6) Include a statement advising the member to seek counsel from a legal expert to protect their assets.

(7) Include the terms and conditions upon which the member fees and costs can be changed.

(b) The notification shall require the signature of the member that acknowledges that they have read and understand the notification.

(c) The notification shall be written in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style.

(d) A copy of the notification, containing all the information specified in subdivision (a) and titled in large font "NOTICE TO RESIDENTS," shall be conspicuously posted in each home by the administrator of the home.

SEC. 99. Section 1038 of the Military and Veterans Code is amended to read:

1038. All money deposited with a home for a member shall be paid to the member, on demand, upon their discharge or voluntary departure from the home. If the money is not demanded at the time of discharge or departure or within a period of two years thereafter, if the amount does not exceed five thousand dollars (\$5,000), or within a period of five years thereafter, if the amount exceeds five thousand dollars (\$5,000) either by the member, or, in the event of the member's death after discharge or departure, by the member's heirs, devisees, legatees, or qualified executor or administrator of their estate, the money shall be paid to the Morale, Welfare, and Recreation Fund.

SEC. 100. Section 1038.1 of the Military and Veterans Code is amended to read:

1038.1. All personal property other than money left at a home by a member at the time of their discharge or voluntary departure therefrom, unclaimed within a period of one year, either by the member or, in the event of their decease after their discharge or departure, by their heirs, devisees, legatees, or qualified executor or administrator of their estate, shall be sold in the manner described in Section 1035.4 and the proceeds paid to the Morale, Welfare, and Recreation Fund.

SEC. 101. Section 1038.5 of the Military and Veterans Code is amended to read:

1038.5. Any money deposited with a home by a member shall be credited with interest in compliance with applicable federal law and regulation, and shall be paid to the member or to their heirs, devisees, legatees, or the qualified executor or the administrator of their estate pursuant to Section 1037 or Section 1038.

SEC. 102. Section 1042 of the Military and Veterans Code is amended to read:

1042. All accrued interest on money turned over to the administrator and retained by them under this chapter shall be accounted for by the home and deposited to the credit of the Morale, Welfare, and Recreation Fund and used for the common benefit of members.

SEC. 103. Section 1051 of the Military and Veterans Code is amended to read:

1051. (a) On or before January 1, 2019, the department shall create a transparent admissions and waiting list process for admission to the homes.

(b) On or before January 1, 2019, the department shall create a page on its internet website that does all of the following:

- (1) Explains the application and waiting list process developed in subdivision (a), including an explanation of the process, laws, and regulations pertaining to admission, the wait list, and continuum of care.
- (2) Allows online submission of applications.
- (3) Provides a reasonable level of information to applicants about the projected wait time at each home for various levels of care, enhancing applicant's ability to make long-term care planning decisions.
- (4) Allows an applicant to check their current wait list status and overall application status.

SEC. 104. Section 1176 of the Military and Veterans Code is amended to read:

1176. Within 30 days after the filing of the petition the county elections official shall find and certify whether the petition is signed by the requisite number of qualified registered voters of the proposed district and of the incorporated and unincorporated portions thereof and shall present the petition with the certificate of their findings attached thereto to the board of supervisors at its first regular meeting held 10 days from the date of certification of the petition. The board shall fix a time and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of the meeting, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory that it is proposed to organize into a district, and that the board deems most likely to give notice to the inhabitants of the territory.

SEC. 105. Section 1255 of the Military and Veterans Code is amended to read:

1255. Within 30 days after the filing of the petition the county elections official shall find and certify whether the petition is signed by the requisite number of qualified registered voters of the territory proposed to be annexed and of the incorporated and

unincorporated portions thereof and shall present the petition with the certificate of their findings attached thereto to the board of supervisors at its first regular meeting held 10 days from the date of certification of the petition. At the regular meeting the board shall ascertain whether the petition in all respects complies with the requirements therefor, except that the certificate shall be conclusive evidence of the sufficiency of the signatures to the petition. If the board finds that the petition complies with the requirements, it shall at the same regular meeting fix a time and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of the meeting, and shall direct the clerk of the board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory that is proposed to be annexed, and that the board deems most likely to give notice to the inhabitants of the territory.

SEC. 106. Section 1265 of the Military and Veterans Code is amended to read:

1265. The board of supervisors of any county may sell real property contiguous to an existing cemetery which it acquired for the purposes of Section 1262 to the owners of a private cemetery upon terms and conditions mutually agreed upon, but which shall require the buyers to use that property exclusively for the burial of veterans or surviving spouses or domestic partners of veterans. Sections 25524 to 25537, inclusive, of the Government Code do not apply to a sale made pursuant to this section.

SEC. 107. Section 1652 of the Military and Veterans Code is amended to read:

1652. Any peace officer or any person employed as a security guard or in a supervisory capacity on premises posted pursuant to Section 1650 may stop any person found on the premises and may detain that person for the purpose of demanding their name, address, and the reason for the person's presence. If the peace officer or employee has reason to believe that the person has no right to be on the premises, they may arrest the person without a warrant on the charge of violating Section 1651.

SEC. 108. Section 1690 of the Military and Veterans Code is amended to read:

1690. Any elected officer of the state who is called to serve with the armed forces of the United States has a right to return to and to reenter upon their office after the termination of their active service with the armed forces if the term for which they are elected has not expired.

SEC. 109. Section 1691 of the Military and Veterans Code is amended to read:

1691. Upon their return and reentry or their return to the office they shall have all of the rights and privileges in, connected with, or arising out of, the office which they would have enjoyed if they had not been absent.

SEC. 110. Section 1692 of the Military and Veterans Code is amended to read:

1692. Any vacancy created by such absence may be filled by a temporary appointment, as provided by law, for a term not to extend beyond the time of the return and reentry to the office by the absent person or beyond the term for which they are elected.

SEC. 111. Section 1693 of the Military and Veterans Code is amended to read:

1693. If any such officer was required by law to file an oath of office or to execute a bond prior to their original entry upon the duties of the office, they shall file an oath and execute a bond in like manner and form prior to their reentry upon the duties of the office.

SEC. 112. Section 1820 of the Military and Veterans Code is amended to read:

1820. (a) Any person who willfully wears or uses the badge, lapel button, rosette, or other recognized and estimable insignia of the veterans' organizations specified in subdivision (a) of Section 1800, unless they are entitled to wear or use it under the rules and regulations and with the express permission of the veterans' organizations specified in subdivision (a) of Section 1800, is guilty of a misdemeanor and is punishable for a first conviction by imprisonment for a term not to exceed 30 days in the county jail, or a fine not to exceed five hundred dollars (\$500), except that if the person has been previously convicted of a violation of this section, that conviction shall be specified in the accusation and if found to be true or admitted by the person, a second or succeeding violation of this section is punishable by imprisonment not to exceed six months in the county jail, or a fine not to exceed one thousand dollars (\$1,000), or both fine and imprisonment.

(b) Nothing in this section shall preclude prosecution for violation of any other law.

SEC. 113. Section 1821 of the Military and Veterans Code is amended to read:

1821. A person who falsely represents themselves in a manner specified in Section 532b of the Penal Code shall be guilty of a misdemeanor or infraction, as prescribed by Section 532b of the Penal Code.

SEC. 114. Any section of any act enacted by the Legislature during the 2024 calendar year that takes effect on or before January 1, 2025, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, added, repealed and added, or repealed by Sections 1 to 29, inclusive, Sections 32 to 49, inclusive, Sections 51 to 59, inclusive, Sections 61 to 68, inclusive, Sections 70 to 75, inclusive, or Sections 77 to 113, inclusive, of this act, shall prevail over this act, whether that act is enacted before, or subsequent to, the enactment of this act.