



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

KEN COOLEY
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WALDRON, MARIE

FONG, VINCE (R-ALT)

Friday, September 1, 2017
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

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RESOLUTIONS

- 3. ACR-120 (Salas) Relative to Gold Star Mothers' and Families' Day. [Page 4](#)
- 4. ACR-123 (Cooley) Relative to Kinship Care Month. [Page 7](#)
- 5. ACR-125 (Gonzalez Fletcher) Relative to Diaper Need Awareness Week. [Page 12](#)
- 6. ACR-126 (Gonzalez Fletcher) Relative to National Latina Equal Pay Day. [Page 15](#)
- 7. ACR-127 (Dababneh) Relative to Childhood Cancer Awareness Month. [Page 18](#)
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REQUEST TO ADD URGENCY CLAUSE

- 11. SB 626 (Dodd) Relative to Tribal gaming: compact ratification [Page 33](#)



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ADRIN NAZARIAN
RUDY SALAS
MARIE WALDRON

VACANCY (D-ALT.)
VINCE FONG (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 8/31/2017
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, SJR 12 has been added to the referrals.

REFERRAL OF BILLS TO COMMITTEE

09/01/2017

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 129</u>	RLS.
<u>ACR 130</u>	RLS.
<u>ACR 131</u>	RLS.
<u>AJR 25</u>	L. & E.
<u>SCR 69</u>	RLS.
<u>SCR 72</u>	RLS.
<u>SJR 12</u>	HIGHER ED.

Assembly Concurrent Resolution

No. 120

Introduced by Assembly Members Salas and Acosta

August 21, 2017

Assembly Concurrent Resolution No. 120—Relative to Gold Star Mothers’ and Families’ Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 120, as introduced, Salas. Gold Star Mothers’ and Families’ Day.

This measure would proclaim September 24, 2017, as Gold Star Mothers’ and Families’ Day in California.

Fiscal committee: no.

1 WHEREAS, The history of Gold Star Families began in the
2 United States shortly after World War I to provide support for
3 mothers who lost sons or daughters in the war; and

4 WHEREAS, The reference to the Gold Star comes from the
5 custom of families of servicemen or servicewomen hanging a
6 service flag in the window of their homes displaying a blue star
7 for every living family member in the service and a gold star for
8 those who have perished; and

9 WHEREAS, The United States began observing Gold Star
10 Mothers’ Day on the last Sunday of September in 1936, and the
11 Gold Star Wives was formed before the end of World War II; and

12 WHEREAS, Since 2009, United States President Barack Obama
13 has issued annual proclamations designating the last Sunday in
14 September as Gold Star Mothers’ and Families’ Day; and

1 WHEREAS, The strength of our military is built upon the men
2 and women who serve in uniform and the families who support
3 them; and

4 WHEREAS, Since the start of the War on Terrorism more than
5 6,800 members of the United States Armed Forces have lost their
6 lives; and

7 WHEREAS, The families of our fallen soldiers have made a
8 tremendous sacrifice on behalf of our country; and

9 WHEREAS, All Gold Star Families deserve to be recognized
10 by our local, state, and federal leaders for their sacrifices and for
11 their dedicated and patriotic support of the United States; and

12 WHEREAS, Supporting Gold Star Families who have lost loved
13 ones to combat demonstrates the commitment of the American
14 people to those families now and in the future; and

15 WHEREAS, As a nation, we must continually look for new
16 ways to support Gold Star Families both in the days immediately
17 following the tragedy and in the years that follow; now, therefore,
18 be it

19 *Resolved by the Assembly of the State of California, the Senate*
20 *thereof concurring,* That the Legislature hereby proclaims
21 September 24, 2017, as Gold Star Mothers' and Families' Day in
22 California; and be it further

23 *Resolved,* That the Chief Clerk of the Assembly shall transmit
24 copies of this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 120 (Salas) – As Introduced August 21, 2017

SUBJECT: Gold Star Mothers' and Families' Day

SUMMARY: Proclaims September 24, 2017, as Gold Star Mothers' and Families' Day in California. Specifically, **this resolution** makes the following legislative findings:

- 1) The history of Gold Star Families began in the United States after World War I to provide support for mothers who lost sons or daughters in the war.
- 2) The reference to the Gold Star comes from the custom of families of servicemen or servicewomen hanging a service flag in the window of their homes displaying a blue star for every living family member in the service and a gold star for those who have perished.
- 3) The United States began observing Gold Star Mother's Day on the last Sunday of September in 1936, and the Gold Star Wives was formed before the end of World War II.
- 4) The strength of our military is built upon the men and women who serve in uniform and the families who support them. The families of our fallen soldiers have made a tremendous sacrifice on behalf of our country.
- 5) All Gold Star Families deserve to be recognized by our local, state, and federal leaders for their sacrifices and for their dedicated and patriotic support of the United States.
- 6) Supporting Gold Star Families who have lost loved ones to combat demonstrates the commitment of the American people to those families now and in the future.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 123

Introduced by Assembly Members Cooley and Thurmond

August 21, 2017

Assembly Concurrent Resolution No. 123—Relative to Kinship Care Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 123, as introduced, Cooley. Kinship Care Month.

This measure would declare the month of September 2017 as Kinship Care Month.

Fiscal committee: no.

- 1 WHEREAS, California is proud to recognize the children in
2 kinship care and their grandparents and other relatives who raise
3 them and who ensure their safety, promote their well-being, and
4 establish stable households for these young people to thrive; and
5 WHEREAS, Kinship care can be an informal or formal
6 arrangement in which a grandparent or other relative cares for a
7 child for either a short-term or a long-term period of time when a
8 parent is unable to care for the child; and
9 WHEREAS, Nationally, 2.7 million children are living with
10 grandparents and other relatives in kinship care, including more
11 than 506,000 in California alone; and
12 WHEREAS, The number of grandparent-headed households has
13 doubled since 1970; and
14 WHEREAS, One in 10 children will live with a grandparent or
15 other relative caregiver during his or her childhood; and

1 WHEREAS, The public is increasingly aware of the challenges
2 faced by children in kinship care and the grandparents and other
3 relatives who provide that care to work in partnership with
4 comprehensive social services to ensure that kinship youth flourish
5 in all facets of their life; and
6 WHEREAS, Kinship care provides the best opportunity to retain
7 a child’s cultural heritage and community ties; now, therefore, be
8 it
9 *Resolved by the Assembly of the State of California, the Senate*
10 *thereof concurring,* That the Legislature declares the month of
11 September 2017 as Kinship Care Month.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 123 (Cooley) – As Introduced August 21, 2017

SUBJECT: Kinship Care Month

SUMMARY: Declares the month of September 2017 as Kinship Care Month. Specifically, **this resolution** makes the following legislative findings:

- 1) California is proud to recognize the children in kinship care and their grandparents and other relatives who raise them and ensure their safety, promote their well-being, and establish stable households for these young people to thrive.
- 2) Kinship care can be an informal or formal arrangement in which a grandparent or other relative cares for a child for either a short-term or a long-term period of time when a parent is unable to care for the child.
- 3) Nationally, 2.7 million children are living with grandparents and other relatives in kinship care, including more than 506,000 in California alone.
- 4) One in 10 children will live with a grandparent or other relative caregiver during his or her childhood. The number of grandparent-headed households has doubled since 1970.
- 5) The public is increasingly aware of the challenges faced by children in kinship care and the grandparents and other relatives who provide that care to work in partnership with comprehensive social services to ensure that kinship youth flourish in all facets of their life.
- 6) Kinship care provides the best opportunity to retain a child's cultural heritage and community ties.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights
OC Kinship & Support Org

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



August 28, 2017

The Honorable Ken Cooley
California State Assembly
State Capitol Building
Sacramento, CA 95814

Re: ACR-123 – Kinship Care Month (SUPPORT)

Dear Assemblymember Cooley,

The Alliance for Children’s Rights urges your support of ACR-123 (Cooley), which will declare the month of September 2017 as Kinship Care Month to recognize the children in kinship care and their relatives who raise them, ensure their safety, promote their well-being, and establish stable households for those youth to thrive. In the U.S., 2.7 million children are living under kinship care. In California, that number is more than 506,000. Numbers show that one in ten children will live with a relative caregiver during his or her childhood.

In 2012, the Alliance for Children’s Rights formed the Step Up Coalition in order to bring together advocates and caregivers from across the state to advance the cause of our kinship families. Together, we have worked to change state law to ensure that relative foster parents have equal access to financial support and to improve practices around the assessment and approval of our relative foster families. In addition to working towards systemic reform in support of kin caregivers, the Alliance also represents thousands of kin families every year through the provision of free legal services. Through our efforts, we ensure that these caregivers have access to the educational supports, funding, and services they need to ensure that the children in their care thrive. Our attorneys see first-hand the struggles of these kin families and the important work they are doing to keep the children in their care safe and connected to family. While California has made great strides in supporting our kin families, there is much work to be done and many of our kinship caregivers continue to struggle, particularly those that are caring for children outside of the formal foster care system.

Relative caregivers across California are stepping up to provide a stable, safe, and loving home to help children recover more quickly from past difficulties and ensure the best chance for a successful and happy future. We are proud to support ACR-123, which recognizes the hard work and sacrifice these families make every day by declaring the month of September 2017 as Kinship Care Month. In doing so, California will be joining 8 other states from across the country who have taken similar action.

We urge you to declare the month of September 2017 as Kinship Care Month by giving ACR-123 your “aye” vote.

Sincerely,

Angie Schwartz
Policy Director

Cc: Members and Staff of the California State Assembly
Assemblymember Ken Cooley

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**OC Kinship & Support Org
7439 La Palma Ave #703
Buena Park, CA 90620-2655
714-240-8715 - Fax 801-443-5654**

August 28, 2017

The Honorable Ken Cooley
California State Assembly
State Capitol Building
Sacramento, CA 95814

Re: ACR-123 – Kinship Care Month (SUPPORT)

Dear Speaker Rendon and Members of the Assembly,

OC Kinship & Support Org. urges your support of ACR-123 (Cooley), which will declare the month of September 2017 as Kinship Care Month to recognize the children in kinship care and their relatives who raise them, ensure their safety, promote their well-being, and establish stable households for those youth to thrive. In the U.S., 2.7 million children are living under kinship care. In California, that number is more than 506,000. Numbers show that one in ten children will live with a relative caregiver during his or her childhood.

As a member of the Step Up Coalition, OC Kinship & Support Org. has been dedicated to advancing the plight of kinship caregivers across California for the last several years. Together, we have worked to change state law to ensure that relative foster parents have equal access to financial support and to improve practices around the assessment and approval of our relative foster families. While California has made great strides in supporting our kin families, there is much work to be done and many of our kinship caregivers continue to struggle, particularly those that are caring for children outside of the formal foster care system.

We are a 100% Kinship Support organization founded by Relative Caregivers that offers resources, support groups and advocacy for all Relative Caregivers in Orange County.

Relative caregivers across California are stepping up to provide a stable, safe, and loving home to help children recover more quickly from past difficulties and ensure the best chance for a successful and happy future. We are proud to support ACR-123, which recognizes the hard work and sacrifice these families make every day by declaring the month of September 2017 as Kinship Care Month. In doing so, California will be joining 8 other states from across the country who have taken similar action.

We urge you to declare the month of September 2017 as Kinship Care Month by giving ACR-123 your “aye” vote.

Sincerely,

Robert J. Ruble
Founder/Director

Cc: Members and Staff of the California State Assembly
Assembly member Ken Cooley

Assembly Concurrent Resolution

No. 125

Introduced by Assembly Member Gonzalez Fletcher

August 22, 2017

Assembly Concurrent Resolution No. 125—Relative to Diaper Need Awareness Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 125, as introduced, Gonzalez Fletcher. Diaper Need Awareness Week.

This measure would proclaim the week of September 25, 2017, to October 1, 2017, as Diaper Need Awareness Week and encourage California citizens to support organizations that help alleviate diaper need.

Fiscal committee: no.

- 1 WHEREAS, Diaper need occurs when a family does not have
2 a sufficient supply of clean diapers to ensure that infants and
3 toddlers are clean and healthy, and can adversely affect the
4 well-being of young children and their families; and
5 WHEREAS, One in three families experiences diaper need at
6 some time while their children are less than three years of age, and
7 nearly half of families delay changing a diaper to extend their
8 supply; and
9 WHEREAS, An infant or toddler requires an average of at least
10 50 diaper changes per week over three years, making them a
11 necessary supply; and
12 WHEREAS, Diapers cannot be purchased with CalFresh benefits
13 or Women, Infants, and Children (WIC) vouchers; therefore,

1 obtaining a sufficient supply of diapers can cause economic
2 hardship for millions of families; and

3 WHEREAS, Diaper need creates a barrier to child care due to
4 the common requirement that a daily supply of diapers be provided
5 by the child's parent or guardian; and

6 WHEREAS, California has a vested interest in the health and
7 economic mobility of low- and moderate-income families, and
8 therefore in reducing diaper need; and

9 WHEREAS, California is proud to be home to several strong
10 nonprofit organizations working at the state and local levels to
11 combat diaper need; now therefore, be it

12 *Resolved by the Assembly of the State of California, the Senate*
13 *thereof concurring*, That the Legislature proclaims the week of
14 September 25, 2017, to October 1, 2017, as Diaper Need
15 Awareness Week and encourages Californians to support
16 organizations that help alleviate diaper need; and be it further

17 *Resolved*, That the Chief Clerk of the Assembly transmit copies
18 of this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 125 (Gonzalez Fletcher) – As Introduced August 22, 2017

SUBJECT: Diaper Need Awareness Week

SUMMARY: Proclaims the week of September 25, 2017, to October 1, 2017, as Diaper Need Awareness Week and encourages California citizens to support organizations that help alleviate diaper need. Specifically, **this resolution** makes the following legislative findings:

- 1) Diaper need occurs when a family does not have a sufficient supply of clean diapers to ensure that infants and toddlers are clean and healthy, and can adversely affect the well-being of young children and their families.
- 2) An infant or toddler requires an average of 50 diaper changes per week over three years. Diapers cannot be purchased with CalFresh benefits or Women, Infants and Children (WIC) vouchers; therefore, obtaining a sufficient supply of diapers can cause economic hardship for millions of families.
- 3) Diaper need creates a barrier to child care due to the common requirement that a daily supply of diapers be provided by the child's parent or guardian.
- 4) California has a vested interest in the health and economic mobility of low and moderate-income families, and therefore in reducing diaper need.
- 5) California is proud to be home to several strong nonprofit organizations working at the state and local levels to combat diaper need.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 126

Introduced by Assembly Member Gonzalez Fletcher

August 22, 2017

Assembly Concurrent Resolution No. 126—Relative to National Latina Equal Pay Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 126, as introduced, Gonzalez Fletcher. National Latina Equal Pay Day.

This measure would proclaim November 2, 2017, as National Latina Equal Pay Day in California in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

Fiscal committee: no.

- 1 WHEREAS, More than 50 years after the passing the federal
2 Equal Pay Act, women, especially women of color, continue to
3 suffer the consequences of unequal pay; and
4 WHEREAS, According to the United States Census Bureau,
5 Latina women make 54 cents for every dollar a white man is paid;
6 and
7 WHEREAS, Nearly four in 10 mothers are the primary
8 breadwinners in their households, and nearly two-thirds of mothers
9 are the primary or significant earners, making pay equity critical
10 to the financial security of their families; and
11 WHEREAS, one-half of the labor force in the United States
12 consists of Latina women; and

1 WHEREAS, College-educated women working full-time will
2 earn one-half million dollars less than their male peers over the
3 course of a lifetime; and

4 WHEREAS, A lifetime of lower pay means women have less
5 income to save for retirement and less income counted in a Social
6 Security or pension benefit formula; and

7 WHEREAS, In California, Latinas earn 43 cents on the dollar
8 compared to their white male peers; and

9 WHEREAS, Fair pay in California would strengthen the security
10 of families today and ease future retirement costs, while enhancing
11 our statewide economy; and

12 WHEREAS, November 2 symbolizes the moment in 2017 when
13 the wages paid to Latina women catch up to the wages paid to
14 white men from the previous year nationwide, now, therefore, be
15 it

16 *Resolved by the Assembly of the State of California, the Senate*
17 *thereof concurring*, That the Legislature proclaims November 2,
18 2017, as National Latina Equal Pay Day in California in recognition
19 of the need to eliminate the gender gap in earnings by women and
20 to promote policies to ensure equal pay for all; and be it further

21 *Resolved*, That the Chief Clerk of the Assembly transmit copies
22 of this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 126 (Gonzalez Fletcher) – As Introduced August 22, 2017

SUBJECT: National Latina Equal Pay Day

SUMMARY: Proclaims November 2, 2017, as National Latina Equal Pay Day in California in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all. Specifically, **this resolution** makes the following legislative findings:

- 1) More than 50 years after passing the federal Equal Pay Act, women, especially women of color, continue to suffer the consequences of unequal pay.
- 2) According to the United States Census Bureau, Latina women make 54 cents for every dollar a white man is paid. In California, Latinas earn 43 cents on the dollar compared to their white male peers.
- 3) Nearly four in 10 mothers are the primary breadwinners in their households, and nearly two-thirds of mothers are the primary or significant earners, making pay equity critical to the financial security of their families.
- 4) College-educated women working full-time will earn one-half million dollars less than their male peers over the course of a lifetime. A lifetime of lower pay means women have less income to save for retirement and less income counted in a Social Security or pension benefit formula.
- 5) Fair pay in California would strengthen the security of families today and ease future retirement costs, while enhancing our statewide economy.
- 6) November 2 symbolizes the moment in 2017 when the wages paid to Latina women catch up to the wages paid to white men from the previous year nationwide.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Assembly Concurrent Resolution

No. 127

Introduced by Assembly Member Dababneh

August 23, 2017

Assembly Concurrent Resolution No. 127—Relative to Childhood Cancer Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

ACR 127, as introduced, Dababneh. Childhood Cancer Awareness Month.

This measure would proclaim the month of September 2017 as Childhood Cancer Awareness Month, and state the commitment of the Legislature to support efforts to find cures for, and achieve prevention of, childhood cancer.

Fiscal committee: no.

- 1 WHEREAS, Cancer is the leading cause of death by disease
- 2 among United States children between infancy and 15 years of
- 3 age and is detected in more than 16,000 of our country’s young
- 4 people each and every year; and
- 5 WHEREAS, Many children in California are afflicted with
- 6 cancer and require extraordinary levels of support, education, and
- 7 services in their struggles against this disease; and
- 8 WHEREAS, Psychosocial services, such as those provided by
- 9 Kids Cancer Connection, American Cancer Fund for Children,
- 10 and philanthropist Steven Factor Firestein for the last 25 years,
- 11 have been demonstrated to improve the morale and quality of life
- 12 of these courageous children and their families; and

1 WHEREAS, Peer support services have been proven to
2 significantly improve the quality of life for children diagnosed
3 with cancer and their families, including summer and seasonal
4 camps, such as Camp Okizu, Camp Summersault, Seany's Camp
5 Reach for the Sky, and the World's Greatest Camp; and

6 WHEREAS, Treatment and prevention of many types of
7 childhood cancer have not yet been achieved; and

8 WHEREAS, The fight against cancer, a complex and intractable
9 foe, requires a high level of determination and commitment in
10 order to provide the necessary resources and research; and

11 WHEREAS, California has many of the world's finest medical,
12 academic, and commercial institutions, and must continue as a
13 leader in the fight against this terrible disease; and

14 WHEREAS, Increased public awareness of this major public
15 health problem is a crucial step toward finding solutions; and

16 WHEREAS, Childhood Cancer Awareness Month is an
17 important nationwide tool for raising awareness among
18 governmental officials and the public about the nature and scope
19 of this problem; now, therefore, be it

20 *Resolved by the Assembly of the State of California, the Senate*
21 *thereof concurring*, That the Legislature hereby recognizes and
22 declares September 2017 as Childhood Cancer Awareness Month;
23 and be it further

24 *Resolved*, That the Legislature is committed to supporting efforts
25 to find cures for, and achieve prevention of, childhood cancer; and
26 be it further

27 *Resolved*, That the Chief Clerk of the Assembly transmit copies
28 of this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 127 (Dababneh) – As Introduced August 23, 2017

SUBJECT: Childhood Cancer Awareness Month

SUMMARY: Proclaims the month of September 2017 as Childhood Cancer Awareness Month, and states the commitment of the Legislature to support efforts to find cures for, and achieve prevention of, childhood cancer. Specifically, **this resolution** makes the following legislative findings:

- 1) Cancer is the leading cause of death by disease among United States children between infancy and 15 years of age and is detected in more than 16,000 of our country's young people each and every year.
- 2) Many children in California are afflicted with cancer and require extraordinary levels of support, education, and services in their struggles against this disease.
- 3) Psychosocial services have been demonstrated to improve the morale and quality of life of these courageous children and their families; and peer support services have been proven to significantly improve the quality of life as well.
- 4) California has many of the world's finest medical, academic, and commercial institutions, and must continue as a leader in the fight against this terrible disease.
- 5) Childhood Cancer Awareness Month is an important nationwide tool for raising awareness among governmental officials and the public about the nature and scope of this problem.
- 6) Increased public awareness of this major public health problem is a crucial step toward finding solutions.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY AUGUST 28, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

House Resolution

No. 55

Introduced by Assembly Member Caballero

August 22, 2017

House Resolution No. 55—Relative to National Hispanic Heritage Month.

1 WHEREAS, Each year, Americans observe National Hispanic
2 Heritage Month by celebrating the histories, cultures, and
3 contributions of American citizens whose ancestors came from
4 Spain, Mexico, the Caribbean, and Central and South America;
5 and

6 WHEREAS, President Lyndon B. Johnson first proclaimed and
7 designated the week that included September 15 and 16 in 1968
8 as National Hispanic Heritage Week, as a result of a joint resolution
9 approved by Congress on September 17, 1968, in recognition of
10 the contributions of Hispanic Americans to American culture and
11 history; and

12 WHEREAS, The original weeklong commemoration was
13 changed by Public Law 100-402, which was signed by President
14 Ronald Reagan on August 17, 1988, and took effect on January
15 1, 1989, to National Hispanic Heritage Month to include the 31-day
16 period beginning on September 15 and ending on October 15; and

17 WHEREAS, September 15 is the anniversary of independence
18 for the five Latin American countries of Costa Rica, El Salvador,
19 Guatemala, Honduras, and Nicaragua, and September 16, 18, and
20 21 are the anniversaries of independence for Mexico, Chile, and
21 Belize, respectively; and

98

1 WHEREAS, Columbus Day, or Dia de la Raza, which is October
2 12, also falls within National Hispanic Heritage Month; and

3 WHEREAS, Hispanic Americans have had a profound and
4 positive influence on our country through their strong commitment
5 to family, faith, hard work, and service, and have enhanced and
6 shaped our national character with centuries-old traditions that
7 reflect the multiethnic and multicultural customs of their
8 community; and

9 WHEREAS, ~~fifty-five~~ *Fifty-five* million people, or 17 percent
10 of the American population, are of Hispanic or Latino origin. This
11 represents a significant increase from 2000, when the Hispanic
12 population registered at 35.3 million, or 13 percent of the total
13 American population; and

14 WHEREAS, There are over 14 million Hispanic Americans in
15 California; and

16 WHEREAS, Hispanic Americans have contributed to the
17 development and success of California by playing major roles in
18 building this state through agriculture, medicine, science,
19 entertainment, business, education, civil rights, politics, and sports;
20 now, therefore, be it

21 *Resolved by the Assembly of the State of California, That the*
22 *Assembly* ~~honors~~ *recognizes September 15 to October 15 as*
23 *National Hispanic Heritage Month and encourages Californians*
24 *to share in this annual event by learning and celebrating the*
25 *generations of Hispanic and Latino Americans who have positively*
26 *influenced and enriched our society; and be it further*

27 *Resolved, That the Chief Clerk of the Assembly transmit copies*
28 *of this resolution to the author for appropriate distribution.*

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 55 (Caballero) – As Amended August 28, 2017

SUBJECT: National Hispanic Heritage Month

SUMMARY: Recognizes September 15 to October 15 as National Hispanic Heritage Month and encourages Californians to share in this annual event by learning and celebrating the generations of Hispanic and Latino Americans who have positively influenced and enriched our society. Specifically, **this resolution** makes the following legislative findings:

- 1) President Lyndon B. Johnson first proclaimed and designated the week that included September 15 and 16 in 1968 as National Hispanic Heritage Week, as a result of a joint resolution approved by Congress on September 17, 1968, in recognition of the contributions of Hispanic Americans to American culture and history.
- 2) The original weeklong commemoration was changed by Public Law 100-402, which was signed by President Ronald Reagan on August 17, 1988, and took effect on January 1, 1989, to National Hispanic Heritage Month to include the 31 day period beginning on September 15 and ending on October 15.
- 3) Hispanic Americans have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service, and have enhanced and shaped our national character with centuries-old traditions that reflect the multiethnic and multicultural customs of their community.
- 4) There are over 14 million Hispanic Americans in California. Fifty-five million people, or 17 percent of the American population, are of Hispanic or Latino origin. This represents a significant increase from 2000, when the Hispanic population registered at 35.3 million, or 13 percent of the total American population.
- 5) Hispanic Americans have contributed to the development and success of California by playing major roles in building this state through agriculture, medicine, science, entertainment, business, education, civil rights, politics, and sports.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

**Introduced by Senator Fuller
(Coauthors: Senators Bates, Cannella, Gaines, Moorlach, Morrell,
Nielsen, Vidak, and Wilk)**

May 9, 2017

Senate Concurrent Resolution No. 53—Relative to National Military Appreciation Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 53, as introduced, Fuller. National Military Appreciation Month. This measure would honor the men and women who have served and are serving in our nation’s military, and would recognize the month of May 2017 as National Military Appreciation Month.

Fiscal committee: no.

- 1 WHEREAS, National Military Appreciation Month began with
- 2 a simple idea—to gather America around its military family to
- 3 honor, remember, recognize, and appreciate those who serve and
- 4 have served all while knowing its history; and
- 5 WHEREAS, The first legislation for National Military
- 6 Appreciation Month (S.Res. 33) began in 1999 with the support
- 7 and sponsorship of Senator John McCain of Arizona and
- 8 Representative Duncan Hunter of San Diego, California, along
- 9 with over 50 veteran service organizations; and
- 10 WHEREAS, The purpose of this important resolution is to let
- 11 our service members know that those they protect dedicate an
- 12 entire month to honor, remember, and appreciate their patriotism
- 13 and their families’ dedication; and
- 14 WHEREAS, This special recognition provides an opportunity
- 15 to acknowledge both the history of the Armed Forces of the United

1 States and the diversity of its individuals and achievements. It
2 allows Americans to educate each generation on the historical
3 impact of our military, through the participation of the community
4 with those who serve, encouraging patriotism and love for America;
5 and

6 WHEREAS, This very important month honors, remembers,
7 recognizes, and appreciates all military personnel; those men and
8 women who have served throughout our history, all who now serve
9 in uniform, and their families, as well as those Americans who
10 have given their lives in defense of the freedoms we all enjoy
11 today; and

12 WHEREAS, National Military Appreciation Month recognizes
13 those on active duty in all branches of the service, the National
14 Guard and Reserves, retirees, veterans, and all of their
15 families—well over 90 million Americans. Let us celebrate them
16 just as we celebrate the other important entities that make up this
17 wonderful country of ours; and

18 WHEREAS, Our military continues to play a major role in the
19 development of our country, as chronicled through a history of
20 unbending honor, dedication to duty, and genuine love of country;
21 and

22 WHEREAS, The role of the United States as a world leader
23 requires a military force that is well trained, well equipped, and
24 appropriately sized; and

25 WHEREAS, This month is necessary to remind us of the
26 sacrifices of the men and women who have answered the call to
27 serve and the history we, as Americans, have been privileged to
28 participate in throughout more than 237 years; and

29 WHEREAS, Our military represents the highest caliber of
30 professionalism, patriotism, and technology, and service members
31 willingly risk their lives on a moment’s notice; and

32 WHEREAS, Through appropriate means, federal, state, and
33 local governments, and private sector entities are invited to
34 participate in this special month and to encourage everyone to
35 sponsor and participate in programs via multiple venues, giving
36 the nation a time and place upon which to focus, draw attention,
37 and express our appreciation and thanks to our military family;
38 and

39 WHEREAS, National Military Appreciation Month, May 2017,
40 includes Loyalty Day on May 1, VE Day on May 8, Military

1 Spouse Appreciation Day on May 12, Armed Forces Day on May
2 20, and Memorial Day on May 29; and

3 WHEREAS, The observance of events recognizing the
4 contributions of the Armed Forces is a tangible and highly effective
5 way of sustaining morale and improving the quality of life for
6 service members and their families; now, therefore, be it

7 *Resolved by the Senate of the State of California, the Assembly*
8 *thereof concurring*, That the Legislature honors those men and
9 women who have served and are serving in our nation's military,
10 and recognizes the month of May 2017 as National Military
11 Appreciation Month; and be it further

12 *Resolved*, That the Secretary of the Senate transmit copies of
13 this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 53 (Fuller) – As Introduced May 9, 2017

SENATE VOTE: 40-0

SUBJECT: National Military Appreciation Month

SUMMARY: Recognizes the month of May 2017 as National Military Appreciation Month and honors the men and women who have served and are serving in our nation's military. Specifically, **this resolution** makes the following legislative findings:

- 1) National Military Appreciation Month began with a simple idea – to gather America around its military family to honor, remember, recognize, and appreciate those who serve and have served all while knowing its history.
- 2) The first legislation for National Military Appreciation Month, S.Res 33, began in 1999 with the support of Senator John McCain and Representative Duncan Hunter, along with over 50 veteran's service organizations. The purpose of this important resolution is to let our service members know that those they protect dedicate an entire month to hone, remember, and appreciate their patriotism and their families' dedication.
- 3) This very important month honors, remembers, recognizes, and appreciates all military personnel; those men and women who have served throughout our history, all who now serve in uniform, and their families, as well as those Americans who have given their lives in defense of all the freedoms we all enjoy today.
- 4) Our military continues to play a major role in the development of our country, as chronicled through a history of unbending honor, dedication to duty, and genuine love of country; and, consists of the highest caliber of professionalism, patriotism, and technology, and service members willingly risk their lives on a moment's notice.
- 5) The observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving the quality of life for service members and their families.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



June 14, 2017

**TO: The Honorable Ken Cooley, Chair
The Honorable Members of the Assembly Committee on Rules**

RE: Senate Concurrent Resolution 53 (Fuller) – AFSCME SUPPORTS

The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, would like to inform you of our **support of Senate Concurrent Resolution 53**, as introduced on May 9, 2017.

SCR 53 would honor the men and women who have served and are serving in our nation's military, and would recognize the month of May 2017 as National Military Appreciation Month. This resolution serves as an important opportunity to appropriately acknowledge and give thanks to the people who protect our nation's borders from global threats. From generation to generation, Americans can utilize this month to educate themselves on the vital role our nation's military has played in the shaping of our country's fabric.

By supporting this resolution, AFSCME recognizes the daily risks military men and women take in order to ensure the safety and well-being of our country. SCR 53 will honor and memorialize these outstanding public servants who have made significant sacrifices to safeguard the ideals and free institutions which are the pride and glory of our country.

Please join us in supporting Senate Concurrent Resolution 53.

Should you have any questions regarding our position in this matter, you may call me at your earliest convenience. AFSCME also reserves the right to change our position in the event of future amendments.

Sincerely,

Joshua Golka
Legislative Affairs Manager, California

AFSCME Council 36
AFSCME Council 57
AFSCME/MWD Local 1902
Metropolitan Water District
AFSCME/MAPA Local 1001
Metropolitan Water District
AFSCME/UAPD Local 206
Union Of American
Physicians And Dentists
AFSCME/UC Local 3299
University of California
AFSCME/UNAC NUHCE
United Nurses Associations
Of California
Union of Health Care
Professionals
UEMSW Local 4911
United EMS Workers

Introduced by Senator Anderson

June 28, 2017

Senate Concurrent Resolution No. 67—Relative to Limb Girdle Muscular Dystrophy Awareness Day.

LEGISLATIVE COUNSEL’S DIGEST

SCR 67, as introduced, Anderson. Limb Girdle Muscular Dystrophy Awareness Day

This measure would proclaim September 30, 2017, and each September 30th thereafter, as Limb Girdle Muscular Dystrophy (LGMD) Annual Awareness Day.

Fiscal committee: no.

- 1 WHEREAS, Limb Girdle Muscular Dystrophy (LGMD) is a
- 2 rare disease that is known to cause muscle weakness and wasting;
- 3 and
- 4 WHEREAS, LGMD most commonly affects muscles closest to
- 5 the body, known as proximal muscles, specifically the muscles of
- 6 the shoulders, upper arms, pelvic area, and thighs; and
- 7 WHEREAS, LGMD is not one disease, but a group of hereditary,
- 8 genetic, neuromuscular disorders with more than 25 subtypes
- 9 currently identified; and
- 10 WHEREAS, LGMD occurs among all ethnic groups, affects
- 11 both males and females, and can begin in childhood, adolescence,
- 12 or adulthood; and
- 13 WHEREAS, LGMD is a progressive, serious, and debilitating
- 14 condition that has a significant impact on the lives of those
- 15 affected; and

1 WHEREAS, Individuals and families affected by LGMD often
2 experience problems like diagnosis delay, difficulty finding a
3 medical expert, and lack of access to treatments and ancillary
4 services; and

5 WHEREAS, Research is ongoing and important advances are
6 being made every day in understanding the genetic causes for the
7 disease, but there is still no known cure or treatment; and

8 WHEREAS, While the public is familiar with some rare
9 diseases, like amyotrophic lateral sclerosis (ALS), and are
10 sympathetic to those affected, many patients and families affected
11 by LGMD bear a large share of the burden of raising public
12 awareness to support the search for treatments; now, therefore, be
13 it

14 *Resolved by the Senate of the State of California, the Assembly*
15 *thereof concurring,* That the Legislature hereby proclaims
16 September 30, 2017, and each September 30th thereafter, as Limb
17 Girdle Muscular Dystrophy Annual Awareness Day; and be it
18 further

19 *Resolved,* That the Secretary of the Senate transmit copies of
20 this resolution to the author for appropriate distribution.

O

Date of Hearing: September 1, 2017

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 67 (Anderson) – As Introduced June 28, 2017

SENATE VOTE: 39-0

SUBJECT: Limb Girdle Muscular Dystrophy Awareness Day

SUMMARY: Proclaims September 30, 2017, and each September 30th thereafter, as Limb Girdle Muscular Dystrophy (LGMD) Annual Awareness Day. Specifically, **this resolution:** makes the following legislative findings:

- 1) Limb Girdle Muscular Dystrophy (LGMD) is a rare disease that is known to cause muscle weakness and wasting and most commonly affects muscles closest to the body, known as proximal muscles, specifically the muscles of the shoulders, upper arms, pelvic area, and thighs.
- 2) LGMD is not one disease, but a group of hereditary, genetic, neuromuscular disorders with more than 25 subtypes currently identified. LGMD occurs among all ethnic groups, affects both male and females, and can begin in childhood, adolescence, or adulthood.
- 3) LGMD is a progressive, serious, and debilitating condition that has significant impact on the lives of those affected. Research is ongoing and important advances are being made every day in understanding the genetic causes for the disease, but there is still no known cure or treatment.
- 4) Individuals and families affected by LGMD often experience problems like diagnosis delay, difficulty finding a medical expert, and lack of access to treatments and ancillary services.
- 5) While the public is familiar with some rare diseases, like amyotrophic lateral sclerosis (ALS), and are sympathetic to those affected, many patients and families affected by LGMD bear a large share of the burden of raising public awareness to support the search for treatments.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

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1020 N STREET, ROOM 584
SACRAMENTO, CA 95814
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California Legislature

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL DODD
CHAIRMAN



STAFF
FELIPE LOPEZ
CHIEF CONSULTANT
NAOMI PADRON
CONSULTANT
MONIQUE GRAHAM
COMMITTEE ASSISTANT

August 30, 2017

The Honorable Ken Cooley, Chairman
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Cooley:

I respectfully request permission to add an urgency clause to SB 626 (Dodd). This bill would ratify the amendment to the tribal-state gaming compact entered into between the State of California and the Federated Indians of Graton Rancheria, executed on August 18, 2017.

An urgency clause is necessary in order to enhance the economic development, stability, and self-sufficiency of the Federated Indians of Graton Rancheria, and to protect the interests of the tribe and its members, the surrounding community, and the California public at the earliest possible time.

Thank you in advance for your consideration of this request. If any questions should arise, please contact my Chief Consultant, Felipe Lopez, at (916) 651-1530.

Sincerely,

A handwritten signature in blue ink that reads "Bill Dodd".

Bill Dodd
Chairman
Senate Governmental Organization Committee



PROPOSED AMENDMENTS

RN 17 19549 03
08/29/17 01:06 AM
SUBSTANTIVE

PROPOSED AMENDMENTS TO SENATE BILL NO. 626

AMENDED IN SENATE MAY 25, 2017

AMENDED IN SENATE APRIL 25, 2017

SENATE BILL

No. 626

Introduced by Senator Newman Dodd
(Principal coauthor: Senator Newman)
(Principal coauthor: Assembly Member Aguiar-Curry)

February 17, 2017



RN1719549

Amendment 1
Amendment 2

An act to amend Section 20282 of the Government Code, to amend Sections 182, 210, 212, 215, 223, 252, 254, 255, 257, 258, 259, 262, 263, 266, 267, 268, 269, 280, 289, 296, 321, 322, 324, 325, 326, 327, 342, 363, 364, 368, 372, 375, 395.04, 414, 422, 450.1, 455, 458.1, 463, 465, 551, 552, 562, and 648 of, and to amend the heading of Article 3 (commencing with Section 250) of Chapter 3 of Part 1 of Division 2 of, the Military and Veterans Code, and to amend Section 32177.5 of the Revenue and Taxation Code, relating to military: *add Section 12012.84 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

Amendment 3

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Newman Dodd. ~~Military and veterans: enlisted persons. Tribal gaming: compact ratification.~~

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature. Existing law expressly ratifies

97

PROPOSED AMENDMENTS

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a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the amendment to the tribal-state gaming compact entered into between the State of California and the Federated Indians of Graton Rancheria, executed on August 18, 2017. The bill would provide that, in deference to tribal sovereignty, certain actions related to that amended compact are not projects for purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law establishes within state government a Military Department that includes the office of the Adjutant General, the California National Guard, the State Military Reserve, the California Cadet Corps, and the Naval Militia. Existing law also generally governs the administration of military and veterans' affairs, including those relating to enlisted men and women.~~

~~This bill would make technical amendments to modify references throughout the code to "enlisted man or woman" or "enlisted men or women" to instead refer to "enlisted person" or "enlisted persons."~~

~~Vote: majority²/₃. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.~~

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

- + *SECTION 1. Section 12012.84 is added to the Government Code, to read:*
- + *12012.84. (a) The amendment to the tribal-state gaming compact entered into in accordance with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.) between the State of California and the Federated Indians of Graton Rancheria, executed on August 18, 2017, is hereby ratified.*
- + *(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California*

Amendment 4

+ Environmental Quality Act (Division 13 (commencing with Section
+ 21000) of the Public Resources Code):

+ (A) The execution of an amendment to the tribal-state gaming
+ compact ratified by this section.

+ (B) The execution of the amended tribal-state gaming compact
+ ratified by this section.

+ (C) The execution of an intergovernmental agreement between
+ a tribe and a county or city government negotiated pursuant to
+ the express authority of, or as expressly referenced in, the amended
+ tribal-state gaming compact ratified by this section.

+ (D) The execution of an intergovernmental agreement between
+ a tribe and the Department of Transportation, or other state
+ agency, negotiated pursuant to the express authority of, or as
+ expressly referenced in, the amended tribal-state gaming compact
+ ratified by this section.

+ (E) The on-reservation impacts of compliance with the terms
+ of the amended tribal-state gaming compact ratified by this section.

+ (2) Except as expressly provided in this section, this subdivision
+ does not exempt a city, county, or city and county, or the
+ Department of Transportation, or any state agency or local
+ jurisdiction, from the requirements of the California Environmental
+ Quality Act.

+ SEC. 2. This act is an urgency statute necessary for the
+ immediate preservation of the public peace, health, or safety within
+ the meaning of Article IV of the California Constitution and shall
+ go into immediate effect. The facts constituting the necessity are:

+ In order to enhance the economic development, stability, and
+ self-sufficiency of the Federated Indians of Graton Rancheria, and
+ to protect the interests of the tribe and its members, the
+ surrounding community, and the California public at the earliest
+ possible time, it is necessary that this act take effect immediately.

1 SECTION 1. ~~Section 20282 of the Government Code is~~
2 ~~amended to read:~~

3 ~~20282. All officers, warrant officers, and enlisted persons who~~
4 ~~after October 1, 1961, are placed on full-time active duty with the~~
5 ~~office of the Adjutant General, pursuant to Sections 142, 167, 321,~~
6 ~~340 and 551 of the Military and Veterans Code, shall become~~
7 ~~members in the manner and under the same conditions as under~~
8 ~~this article apply to other state employees. The retirement benefit~~
9 ~~provisions of the Military and Veterans Code shall not apply to~~

Amendment 5

Page 2

PROPOSED AMENDMENTS

**RN 17 19549 03
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SB 626

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Page 2 10 those persons. This section shall not apply to the Adjutant General
 11 or the Assistant Adjutant General.
 12 ~~SEC. 2. Section 182 of the Military and Veterans Code is~~
 13 ~~amended to read:~~
 14 ~~182. The Adjutant General shall keep a correct account of all~~
 15 ~~expenses necessarily incurred, including pay of officers and enlisted~~
 16 ~~persons, subsistence of militia, transportation of the militia, and~~
 17 ~~all military property of the state. Those expenses shall be audited~~
 18 ~~and paid in the same manner as other military accounts are audited~~
 19 ~~and paid.~~
 20 ~~SEC. 3. Section 210 of the Military and Veterans Code is~~
 21 ~~amended to read:~~
 22 ~~210. The National Guard consists of:~~
 23 ~~(a) General officers.~~
 24 ~~(b) The several staff corps and departments prescribed in tables~~
 25 ~~of organization of the United States Army or United States Air~~
 26 ~~Force or tables of organization for the National Guard.~~
 27 ~~(c) The officers and enlisted persons on the retired and the~~
 28 ~~reserve lists.~~
 29 ~~(d) The organizations forming the National Guard and persons~~
 30 ~~enlisted or commissioned therein.~~
 31 ~~SEC. 4. Section 212 of the Military and Veterans Code is~~
 32 ~~amended to read:~~
 33 ~~212. The inactive National Guard shall consist of those~~
 34 ~~organizations, officers, and enlisted persons as are authorized and~~
 1 ~~prescribed by the laws of the United States and regulations issued~~
 2 ~~thereunder.~~
 3 ~~SEC. 5. Section 215 of the Military and Veterans Code is~~
 4 ~~amended to read:~~
 5 ~~215. For all purposes under this code, commissioned officers,~~
 6 ~~warrant officers and enlisted persons of the California National~~
 7 ~~Guard, California Air National Guard, and California National~~
 8 ~~Guard Reserve who have heretofore or hereafter performed service~~
 9 ~~in the United States Army, United States Air Force, United States~~
 10 ~~Navy, or a reserve component thereof shall be entitled to credit~~
 11 ~~for time so served as if that service had been rendered in the state~~
 12 ~~forces. Service in the state forces shall include all full-time active~~
 13 ~~duty and part-time duty performed heretofore or hereafter either~~
 14 ~~as an enlisted person, warrant officer or commissioned officer~~
 15 ~~pursuant to any prior or present section or sections or provisions~~

PROPOSED AMENDMENTS

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Page 3 16 of this code. Federal law notwithstanding, in computing state
17 service for retirement with pay under this authority, full-time active
18 service and part-time duty or service with the Armed Forces of
19 the United States or any reserve component thereof shall be
20 considered.

21 SEC. 6. Section 223 of the Military and Veterans Code is
22 amended to read:

23 223. All officers, warrant officers, and enlisted persons of the
24 militia and all persons on duty with the militia shall give any bonds
25 and security as may be required and within the time prescribed by
26 the Adjutant General to secure the state against loss on account of
27 misuse or misapplication of state or company property or funds
28 or the property or funds of the United States in use by the State of
29 California.

30 All bonds shall be conditioned upon the faithful performance of
31 all duties and the accounting for all property and moneys, including
32 organization funds, for which the obligee is responsible or
33 accountable.

34 The Adjutant General may in lieu of the foregoing enter into an
35 agreement conditioned in like terms and for the same purpose with
36 a qualified surety company to bond all officers, warrant officers,
37 and enlisted persons of the militia, and all persons on duty with
38 the militia without specifically naming them. The agreement shall
39 also provide that the report and final action of military or naval
40 authorities having jurisdiction for fixing responsibility for loss or
Page 4 1 damage shall be conclusive proof of the responsibility or liability
2 of any officer, warrant officer, or enlisted person in a suit brought
3 to enforce the obligation of the bond.

4 The premiums on bonds shall be charged to those funds
5 appropriated for the support of the militia as the Governor directs.

6 SEC. 7. The heading of Article 3 (commencing with Section
7 250) of Chapter 3 of Part 1 of Division 2 of the Military and
8 Veterans Code is amended to read:
9

10
11 **Article 3. Enlisted Persons**

12 +
13 SEC. 8. Section 252 of the Military and Veterans Code is
14 amended to read:

15 252. Appointments of noncommissioned and petty officers
16 shall conform to the tables of organization and to the rules and

PROPOSED AMENDMENTS

**RN 17 19549 03
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SUBSTANTIVE**

SB 626

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Page 4 17 regulations prescribed by the United States for the government
18 and administration of the National Guard. All noncommissioned
19 and petty officers shall be appointed by the commanding officer
20 of the division, brigade, regiment, separate battalion, squadron,
21 marine division, or similar organization, upon the recommendation
22 of the commanding officer of the unit in which they are to serve.
23 Noncommissioned and petty officers of separate companies, troops,
24 batteries, detachments, and similar units, not forming part of an
25 existing higher tactical organization, shall be appointed by the
26 Adjutant General. When an examination is required by federal
27 laws or regulations or by state regulations, no enlisted person shall
28 be appointed until he or she has successfully passed the
29 examination.

30 SEC. 9. Section 254 of the Military and Veterans Code is
31 amended to read:

32 254. Enlisted persons may be transferred to or from
33 organizations or units. Noncommissioned officers may be reduced
34 one or more grades upon good cause appearing therefor. In
35 transferring or reducing an enlisted person or noncommissioned
36 officer the procedure laid down in regulations for the National
37 Guard shall be followed.

38 An order discharging a member of the militia may be vacated
39 by the Adjutant General for good cause; provided, a certificate or
Page 5 1 other evidence of discharge has not been delivered to the
2 discharged member.

3 SEC. 10. Section 255 of the Military and Veterans Code is
4 amended to read:

5 255. Every enlisted person who enters the National Guard or
6 who is a member of the unorganized militia when called into the
7 service of the state, may be provided by the state with a service or
8 dress uniform, or both, corresponding in make and general
9 appearance to the service or dress uniform of the United States
10 Army.

11 SEC. 11. Section 257 of the Military and Veterans Code is
12 amended to read:

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

16 SEC. 12. Section 258 of the Military and Veterans Code is
17 amended to read:

PROPOSED AMENDMENTS

Page 5 18 ~~258. In time of war or other emergency or imminent danger~~
19 ~~thereof, the Governor may detail retired enlisted persons to active~~
20 ~~duty and on conclusion of the emergency return them to the retired~~
21 ~~list.~~

22 ~~SEC. 13. Section 259 of the Military and Veterans Code is~~
23 ~~amended to read:~~

24 ~~259. Separation from service of an enlisted person of the~~
25 ~~National Guard or the unorganized militia called into active service~~
26 ~~is effected by death or by discharge by proper authority.~~

28 ~~SEC. 14. Section 262 of the Military and Veterans Code is~~
29 ~~amended to read:~~

30 ~~262. An enlisted person discharged from the National Guard~~
31 ~~or the unorganized militia when called or ordered into active~~
32 ~~service of the state shall receive a discharge in writing in a form~~
33 ~~and with those qualifications as may be prescribed under the laws~~
34 ~~and regulations prescribed for the government of the National~~
35 ~~Guard by the United States and that are not inconsistent with this~~
36 ~~code. The certificates of discharge may be in the form of an~~
37 ~~honorable, a general, or undesirable discharge. Bad conduct and~~
38 ~~dishonorable discharges shall be awarded only by courts-martial~~
39 ~~as provided in this code.~~

Page 6 1 ~~SEC. 15. Section 263 of the Military and Veterans Code is~~
2 ~~amended to read:~~

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

9 ~~SEC. 16. Section 266 of the Military and Veterans Code is~~
10 ~~amended to read:~~

11 ~~266. An enlisted person who has been dropped as a deserter~~
12 ~~shall not be restored to duty without prior disposition of the charge~~
13 ~~of desertion standing against him or her. The charge shall be~~
14 ~~disposed of by trial by court-martial; by restoration to duty,~~
15 ~~desertion admitted, upon a written application of the soldier~~
16 ~~admitting the desertion; or by the setting aside of the charge of~~
17 ~~desertion in case it had been erroneously made.~~

18 ~~SEC. 17. Section 267 of the Military and Veterans Code is~~
19 ~~amended to read:~~

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Page 6 20 ~~267. A deserter shall not be restored to duty without trial except~~
21 ~~by the Governor or by an officer authorized to appoint a general~~
22 ~~court-martial. Restoration to duty without trial shall not remove~~
23 ~~the charge of desertion or relieve the enlisted person from any of~~
24 ~~the forfeitures attached to that offense. Setting aside a charge of~~
25 ~~desertion as having been erroneously made shall remove the charge~~
26 ~~of desertion and all stoppages and forfeitures arising therefrom.~~

28 ~~SEC. 18. Section 268 of the Military and Veterans Code is~~
29 ~~amended to read:~~

30 ~~268. All time lost while absent without leave or in desertion,~~
31 ~~in excess of twenty-four hours, shall be made good unless the~~
32 ~~enlisted person is sooner discharged by proper authority.~~

34 ~~SEC. 19. Section 269 of the Military and Veterans Code is~~
35 ~~amended to read:~~

36 ~~269. No enlisted person who has been dishonorably discharged~~
37 ~~from the military or naval service of this state, or of another state,~~
38 ~~territory or district, or of the United States shall be permitted to~~
39 ~~enter again the military or naval service of this state without the~~
40 ~~approval of the Governor of this state.~~

Page 7 1 ~~SEC. 20. Section 280 of the Military and Veterans Code is~~
2 ~~amended to read:~~

3 ~~280. Except where this chapter is inconsistent therewith,~~
4 ~~Chapter 3 (commencing with Section 210) of Part 1 of Division 2~~
5 ~~is hereby incorporated by reference in this chapter and those~~
6 ~~provisions shall apply to the Naval Militia and the officers and~~
7 ~~enlisted persons thereof with the same force and effect as if the~~
8 ~~provisions were set out in detail in this chapter.~~

9 ~~In applying Chapter 3 (commencing with Section 210) of Part~~
10 ~~1 of Division 2 to this chapter, the term "Naval Militia" shall be~~
11 ~~substituted for the term "National Guard" and the term "Navy~~
12 ~~Department" for the term "War Department."~~

13 ~~SEC. 21. Section 289 of the Military and Veterans Code is~~
14 ~~amended to read:~~

15 ~~289. The officers, chief warrant officers, warrant officers, and~~
16 ~~enlisted persons of the Naval Militia shall be of any amount and~~
17 ~~grades prescribed by the Governor and shall be of the same number~~
18 ~~and grades as are authorized or prescribed by the laws and~~
19 ~~regulations of the United States for similar organizations of the~~
20 ~~United States Navy or as authorized or prescribed by the laws and~~
21 ~~regulations of the Navy Department for the Naval Militia.~~

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Page 7 23 ~~SEC. 22. Section 296 of the Military and Veterans Code is~~
24 ~~amended to read:~~

25 ~~296. Every enlisted person who enters the Naval Militia may~~
26 ~~be provided by the state with a service or dress uniform, or both,~~
27 ~~corresponding in make and appearance to the service or dress~~
28 ~~uniform of the United States Navy.~~

29 ~~SEC. 23. Section 321 of the Military and Veterans Code is~~
30 ~~amended to read:~~

31 ~~321. Enlisted persons, while on active duty in the service of~~
32 ~~the state, shall receive the same pay and allowances as enlisted~~
33 ~~persons of similar grade in the United States Army, United States~~
34 ~~Air Force, and United States Navy, except that enlisted persons in~~
35 ~~the pay grade of E1 through E4 ordered to active duty pursuant to~~
36 ~~Section 143 or 146, while on active duty, shall receive not less~~
37 ~~than the minimum daily rate of pay applicable to a pay grade of~~
38 ~~E5 in the active military service of the United States. It is the intent~~
39 ~~of the Legislature that the foregoing minimum payments to enlisted~~
40 ~~persons in the pay grade of E1 through E4 may be paid from the~~

Page 8 1 ~~State Emergency Fund when, in the judgment of the Director of~~
2 ~~Finance, there is a case of actual necessity for which no~~
3 ~~appropriation has been made. All full-time active duty previously~~
4 ~~or hereafter performed in the service of the state shall be credited~~
5 ~~for purposes of determining longevity and service within the~~
6 ~~provisions of this section and Section 340.~~

8 ~~SEC. 24. Section 322 of the Military and Veterans Code is~~
9 ~~amended to read:~~

10 ~~322. Officers, warrant officers, and enlisted persons on active~~
11 ~~duty in the service of the state, except in situations described in~~
12 ~~Section 188, shall be reimbursed for their necessary traveling and~~
13 ~~other expenses in accordance with the rules and regulations adopted~~
14 ~~by the Department of Human Resources.~~

16 ~~SEC. 25. Section 324 of the Military and Veterans Code is~~
17 ~~amended to read:~~

18 ~~324. Whenever an officer of the National Guard or Naval~~
19 ~~Militia is detailed for special duty in any matter relating to the~~
20 ~~National Guard or Naval Militia, by order of the Governor, that~~
21 ~~officer shall be allowed the same pay and allowances as officers~~
22 ~~of similar grade in the United States Army and United States Navy~~
23 ~~and actual traveling expenses. An enlisted person similarly detailed~~
24 ~~shall be allowed the same pay and allowances as enlisted persons~~

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Page 8 25 of similar grade in the United States Army and United States Navy
26 and actual traveling expenses, except that family allowances shall
27 not be allowed to those enlisted persons. An officer of the National
28 Guard or Naval Militia may, with his or her consent, be detailed
29 for special duty without expense to the state, except and provided,
30 however, the officer may be paid actual traveling expenses. An
31 officer of the National Guard or Naval Militia may, with his or her
32 consent, be detailed for duty and may be paid compensation in a
33 grade lower than the officer actually holds provided the officer
35 voluntarily waives all compensation in excess of the lower grade.

36 If not inconsistent with the performance of required military
37 duty, members of the National Guard may perform emergency
38 services as defined in Section 18531 of the Government Code, and
39 as provided in Section 19888 of the Government Code, and shall
Page 9 1 receive as compensation therefore the going wages paid for similar
2 service at or near the place of performance.

3 ~~SEC. 26. Section 325 of the Military and Veterans Code is~~
4 ~~amended to read:~~

5 ~~325. Whenever an officer or enlisted person of the United States~~
6 ~~Army or United States Navy or United States Air Force, detailed~~
7 ~~by the Department of the Army or the Department of the Navy or~~
8 ~~the Department of the Air Force for service with the National~~
9 ~~Guard or Naval Militia, is detailed by the Governor for special~~
10 ~~duty or requested to perform any duty involving travel not specially~~
11 ~~directed by the Department of the Army or the Department of the~~
12 ~~Navy or the Department of the Air Force, the officer or enlisted~~
13 ~~person shall be allowed his or her actual traveling expenses, but~~
14 ~~no per diem.~~

15 ~~SEC. 27. Section 326 of the Military and Veterans Code is~~
16 ~~amended to read:~~

17 ~~326. Commissioned officers, warrant officers and enlisted~~
18 ~~persons and former commissioned officers, warrant officers and~~
19 ~~enlisted persons of the United States Army, United States Air~~
20 ~~Force, United States Navy, or any reserve component thereof,~~
21 ~~California National Guard, State Military Reserve, California~~
22 ~~National Guard Reserve, California Defense and Security Corps,~~
23 ~~California State Guard, California Reserve and Retired List or the~~
24 ~~active militia, may, with his or her consent, be detailed for active~~
25 ~~duty with a security section which the Adjutant General is hereby~~
26 ~~authorized to maintain in his or her office. A commissioned officer,~~

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Page 9 27 ~~warrant officer or enlisted person who is detailed for duty as~~
28 ~~provided in this section may be paid compensation in any grade~~
29 ~~or rank lower than the person actually holds provided the~~
30 ~~commissioned officer, warrant officer or enlisted person voluntarily~~
32 ~~waives all compensation in excess of the lower grade or rank.~~

33 ~~SEC. 28. Section 327 of the Military and Veterans Code is~~
34 ~~amended to read:~~

35 ~~327. Officers, warrant officers, and enlisted persons on active~~
36 ~~duty in the service of the state shall be eligible for health care~~
37 ~~benefits 30 days after being called to active duty.~~

38 ~~SEC. 29. Section 342 of the Military and Veterans Code is~~
39 ~~amended to read:~~

Page 10 1 ~~342. The appeals board is empowered to hear and determine~~
2 ~~all issues concerning any obligation of the State of California to~~
3 ~~provide to any officer, warrant officer, or enlisted person on active~~
4 ~~duty with the Office of the Adjutant General any rights or benefits~~
5 ~~provided in Section 3, Public Law 108, Chapter 225, 81st Congress,~~
6 ~~First Session, and any and all issues arising under or in connection~~
7 ~~with that law. In doing so, the appeals board shall follow the same~~
8 ~~procedures in all respects as are provided in Division 4~~
9 ~~(commencing with Section 3200) of the Labor Code for the~~
10 ~~determination of workers' compensation claims. The orders,~~
11 ~~decisions, and awards of the appeals board issued in exercising~~
12 ~~this jurisdiction are subject to review and rehearing in the manner~~
13 ~~provided in Sections 5900 to 5956, inclusive, of the Labor Code.~~

14 ~~SEC. 30. Section 363 of the Military and Veterans Code is~~
15 ~~amended to read:~~

16 ~~363. Every officer and enlisted person shall be responsible to~~
17 ~~the officer under whose immediate command he or she serves for~~
18 ~~prompt and unhesitating obedience to lawful orders, faithful~~
19 ~~performance of duty, and the preservation and proper use of the~~
20 ~~property in his or her possession that belongs to the United States,~~
21 ~~the State of California, or the appropriate military organization.~~
22 ~~Each officer and enlisted person shall at all times, without~~
23 ~~equivocation, obey the lawful orders of his or her superior officers.~~

25 ~~SEC. 31. Section 364 of the Military and Veterans Code is~~
26 ~~amended to read:~~

27 ~~364. Any officer or enlisted person of the National Guard or~~
28 ~~Naval Militia who willfully fails to attend any parade or~~
29 ~~encampment, or who neglects or refuses to obey the lawful~~

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Page 10 30 ~~command of his or her superior officer on any day of parade or~~
31 ~~encampment, or who fails to perform any military duty that may~~
32 ~~be lawfully required of him or her, or who uses disrespectful~~
33 ~~language toward his or her superior officer or commits any act of~~
34 ~~insubordination, is guilty of a misdemeanor.~~

35 ~~SEC. 32. Section 368 of the Military and Veterans Code is~~
36 ~~amended to read:~~

37 ~~368. Each company, troop, squadron, battery, detachment, and~~
38 ~~unit shall assemble for drill and instruction, including indoor target~~
39 ~~practice, not less than forty-eight times each year unless excused~~
40 ~~by the Governor or other competent authority, and shall in addition~~
Page 11 1 ~~thereto participate in encampments, maneuvers, or other exercises,~~
2 ~~including outdoor target practice, for at least fifteen consecutive~~
3 ~~days in each year unless excused by competent authority.~~

4 ~~In addition to those drills and periods of duty above specified~~
5 ~~the commanding officer of any unit may require the officers and~~
6 ~~enlisted persons of his or her command to meet for parade, drill,~~
7 ~~and instruction at the times and places as he or she may appoint.~~

9 ~~SEC. 33. Section 372 of the Military and Veterans Code is~~
10 ~~amended to read:~~

11 ~~372. Officers and enlisted persons may be warned for duty by~~
12 ~~stating the substance of the order, by reading the order to the person~~
13 ~~warned, by delivering a copy of the order to that person, by leaving~~
14 ~~a copy of the order at the last known place of abode or business~~
15 ~~of that person with some person of the age of discretion, or by~~
16 ~~sending a copy of the order or its substance to that person by~~
17 ~~registered mail directed to the enlisted person at his or her last~~
18 ~~known place of abode or business or to the post office nearest~~
19 ~~thereto.~~

20 ~~In addition to or in lieu of the foregoing, notice may be given~~
21 ~~by posting a copy of the order at the entrance to the nearest post~~
22 ~~office to the military or naval headquarters issuing the order, at~~
23 ~~the entrances of the city hall or county courthouse of the city or~~
24 ~~county where the headquarters are located, and by causing a copy~~
25 ~~of the warning order to be published in a newspaper of general~~
26 ~~circulation in that county.~~

27 ~~SEC. 34. Section 375 of the Military and Veterans Code is~~
28 ~~amended to read:~~

29 ~~375. Officers and enlisted persons of the active militia not in~~
30 ~~the service of the United States shall be subject to and governed~~

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Page 11 31 by this code while outside this state under the order or authorization
32 of the Governor under Section 142 in like manner and to the same
33 extent as when on duty within this state under orders of the
34 Governor. Military courts may be convened and held outside the
35 state with the same jurisdiction and power of punishment as if held
36 within the state. Offenses and delinquencies committed outside
37 the state may be tried and punished either within or without the
38 state after the termination of the duty.

39 SEC. 35. Section 395.04 of the Military and Veterans Code is
40 amended to read:

Page 12 1 395.04. During the time that as an officer or enlisted person
2 of the California National Guard, who is on full-time active duty
3 in the military service of the state, and is engaged, with the
4 approval of the Adjutant General, in the military service of the
5 state in attendance at drills, camps, or special exercises, sponsored
6 by federal authority or by the United States Department of Defense,
7 as a member of the National Guard of the United States, he or she
8 shall receive salary, pay, and compensation as provided in Sections
9 320 and 321.

10 SEC. 36. Section 414 of the Military and Veterans Code is
11 amended to read:

12 414. Every officer and enlisted person to whom public property
13 has been issued shall be personally responsible to the state for that
14 property. No one shall be relieved from this responsibility, unless
15 it is shown, to the satisfaction of the Governor, that the loss or
16 destruction of the property was unavoidable and in no way the
17 fault of the person responsible for the loss. In all other cases the
18 value of the property lost or destroyed, in the amount determined
19 by a surveying officer or a board as herein provided, shall be
20 charged against the person at fault or, with the concurrence of the
21 appropriate commanding officer, against the command to or for
22 which it had been issued, and if not relieved from the charge by
23 the Governor, there shall be an indebtedness from that person or
24 command to the state.

25 SEC. 37. Section 422 of the Military and Veterans Code is
26 amended to read:

27 422. Any person other than an officer, warrant officer, or
28 enlisted person of the California National Guard, or of the
29 unorganized militia when called into the service of the state or of
30 the State Military Reserve or who may be appointed under Section

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Page 12 31 ~~141 or who may be authorized by Sections 502, 502.1, or 502.2~~
32 ~~or who may be a member of the Naval Militia of this state, or who~~
33 ~~may be a member of the military forces of another state or of the~~
34 ~~United States Army, United States Air Force, United States Navy,~~
35 ~~United States Marine Corps, United States Coast Guard Service~~
36 ~~or United States or State Forest Service, or personnel of the~~
37 ~~Department of Fish and Wildlife, or members of the Department~~
38 ~~of the California Highway Patrol, or an inmate of any veterans'~~
39 ~~or soldiers' home, or other person authorized by the laws of the~~
40 ~~United States or of this state, who at any time wears the uniform~~

Page 13 1 ~~of the United States Army, United States Air Force, or United~~
2 ~~States Navy, or of the armed forces of the United States or any~~
3 ~~organization thereof, or National Guard or Naval Militia, or any~~
4 ~~part of that uniform, or a uniform or part of a uniform similar~~
5 ~~thereto, is guilty of a misdemeanor and is punishable by a fine of~~
6 ~~not less than one hundred dollars (\$100) nor more than five~~
7 ~~hundred dollars (\$500), or by imprisonment in the county jail not~~
8 ~~exceeding 60 days, or by both.~~

9 SEC. 38. ~~Section 450.1 of the Military and Veterans Code is~~
10 ~~amended to read:~~

11 450.1. (a) ~~Under regulations as the Governor may prescribe,~~
12 ~~and under any additional regulations as may be prescribed by the~~
13 ~~Adjutant General, limitations may be placed on the powers granted~~
14 ~~by this section with respect to the kind and amount of punishment~~
15 ~~authorized, the categories of commanding officers and warrant~~
16 ~~officers exercising command authorized to exercise those powers,~~
17 ~~the applicability of this section to an accused who demands trial~~
18 ~~by court-martial, and the kinds of courts-martial to which the case~~
19 ~~may be referred upon that demand. Except in the case of the~~
20 ~~imposition of fines upon officers and warrant officers, punishment~~
21 ~~may not be imposed upon any member of the California National~~
22 ~~Guard under this section if the member has, before the imposition~~
23 ~~of punishment, demanded trial by court-martial in lieu of~~
24 ~~punishment. Under similar regulations, rules may be prescribed~~
25 ~~with respect to the suspension of punishments authorized~~
26 ~~hereunder. If authorized by regulations of the Adjutant General,~~
27 ~~a commanding officer who under the Uniform Code of Military~~
28 ~~Justice would exercise general court-martial jurisdiction or an~~
29 ~~officer of general rank in command may delegate his or her powers~~
30 ~~under this section to a principal assistant.~~

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Page 13 31 ~~(b) Subject to subdivision (a), any commanding officer may, in~~
32 ~~addition to or in lieu of admonition or reprimand, impose one or~~
33 ~~more of the following disciplinary punishments for minor offenses~~
34 ~~without the intervention of a court-martial:~~
35 ~~(1) Upon officers of his or her command:~~
36 ~~(A) Restriction to certain specified limits, with or without~~
37 ~~suspension from duty, for not more than 30 consecutive days.~~
38 ~~(B) If imposed by an officer who under the Uniform Code of~~
39 ~~Military Justice would exercise general court-martial jurisdiction~~
40 ~~or an officer of general rank in command:~~
Page 14 1 ~~(i) Arrest in quarters for not more than 30 consecutive days.~~
2 ~~(ii) Impose a fine of not more than 15 days pay per month for~~
3 ~~two months.~~
4 ~~(iii) Restriction to certain specified limits with or without~~
5 ~~suspension from duty for not more than 60 consecutive days.~~
6 ~~(iv) Detention of not more than 15 days' pay per month for three~~
7 ~~months.~~
8 ~~(2) Upon other personnel of his or her command:~~
9 ~~(A) Correctional custody for not more than seven consecutive~~
10 ~~days.~~
11 ~~(B) Impose a fine of not more than seven days' pay.~~
12 ~~(C) Reduction to the next inferior pay grade, if the grade from~~
13 ~~which demoted is within the promotion authority of the officer~~
14 ~~imposing the reduction or any officer subordinate to the one who~~
15 ~~imposes the reduction.~~
16 ~~(D) Extra duties, including fatigue or other duties, for not more~~
17 ~~than 14 consecutive days.~~
18 ~~(E) Restriction to certain specified limits, with or without~~
19 ~~suspension from duty, for not more than 14 consecutive days.~~
20 ~~(F) Detention of not more than 14 days' pay.~~
21 ~~(G) If imposed by an officer of the grade of major or above:~~
22 ~~(i) Correctional custody for not more than 30 consecutive days.~~
23 ~~(ii) Impose a fine of not more than 15 days' pay per month for~~
24 ~~two months.~~
25 ~~(iii) Reduction to the lowest or any intermediate pay grade, if~~
26 ~~the grade from which demoted is within the promotion authority~~
27 ~~of the officer imposing the reduction or any officer subordinate to~~
28 ~~the one who imposes the reduction, but an enlisted member in a~~
29 ~~pay grade above E-4 may not be reduced more than two pay grades.~~

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Page 14 30 ~~(iv) Extra duties, including fatigue or other duties, for not more~~
31 ~~than 45 consecutive days.~~
32 ~~(v) Restrictions to certain specified limits, with or without~~
33 ~~suspension from duty, for not more than 60 consecutive days.~~
34 ~~(vi) Detention of not more than 15 days' pay per month for three~~
35 ~~months.~~

36 ~~The punishments heretofore prescribed by subdivision (b)(1) A,~~
37 ~~B(i) and (iii) and subdivision (b) (2) A, D, E, G(i), (iv) and (v)~~
38 ~~hereof may be imposed only during annual active duty for training~~
39 ~~or active state service, except that extra duties may be imposed~~
40 ~~upon enlisted persons while in armory drill status for two hours~~
Page 15 1 ~~(to be completed not later than 2400 hours) for two consecutive~~
2 ~~drills.~~

3 ~~Detention of pay shall be for a stated period of not more than~~
4 ~~one year but if the offender's term of service expires earlier, the~~
5 ~~detention shall terminate upon that expiration. No two or more of~~
6 ~~the punishments of arrest in quarters, correctional custody, extra~~
7 ~~duties, and restriction may be combined to run consecutively in~~
8 ~~the maximum amount imposable for each. Whenever any of those~~
9 ~~punishments are combined to run consecutively, there shall be an~~
10 ~~apportionment. In addition, forfeiture of pay may not be combined~~
11 ~~with detention of pay without an apportionment. For the purposes~~
12 ~~of this subdivision, "correctional custody" means the physical~~
13 ~~restraint of a person during duty or nonduty hours and may include~~
14 ~~extra duties, fatigue duties, or hard labor. If practicable, correctional~~
15 ~~custody shall not be served in immediate association with persons~~
16 ~~awaiting trial or held in confinement pursuant to trial by~~
17 ~~court-martial.~~

18 ~~(c) An officer in charge may impose upon enlisted members~~
19 ~~assigned to the unit of which he or she is in charge any of the~~
20 ~~punishments authorized under subdivision (b)(2)(A) to (G);~~
21 ~~inclusive, as the Adjutant General may specifically prescribe by~~
22 ~~regulation.~~

23 ~~(d) The officer who imposes the punishment authorized in~~
24 ~~subdivision (b), or his or her successor in command, may, at any~~
25 ~~time, suspend probationally any part or amount of the unexecuted~~
26 ~~punishment imposed and may suspend probationally a reduction~~
27 ~~in grade or a fine imposed under subdivision (b), whether or not~~
28 ~~executed. In addition, the officer may, at any time, remit or mitigate~~
29 ~~any part or amount of the unexecuted punishment imposed and~~

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Page 15 30 may set aside in whole or in part the punishment, whether executed
31 or unexecuted, and restore all rights, privileges, and property
32 affected. The officer may also mitigate reduction in grade to a fine
33 or detention of pay. When mitigating:
34 —(1) arrest in quarters to restriction;
35 —(2) correctional custody to extra duties or restriction, or both;
36 or
37 —(3) extra duties to restriction;

38 the mitigated punishment shall not be for a greater period than the
39 punishment mitigated. When mitigating a fine to detention of pay,
40 the amount of the detention shall not be greater than the amount
Page 16 1 of the fine. When mitigating reduction in grade to a fine or
2 detention of pay, the amount of the fine or detention shall not be
3 greater than the amount that could have been imposed initially
4 under this article by the officer who imposed the punishment
5 mitigated.

6 (e) A person punished under this section who considers his or
7 her punishment unjust or disproportionate to the offense may,
8 through the proper channel, appeal to the next superior authority.
9 The appeal shall be promptly forwarded and decided, but the person
10 punished may in the meantime be required to undergo the
11 punishment adjudged. The superior authority may exercise the
12 same powers with respect to the punishment imposed as may be
13 exercised under subdivision (d) by the officer who imposed the
14 punishment. Before acting on an appeal from a punishment of:

- 15 —(1) arrest in quarters for more than seven days;
- 16 —(2) correctional custody for more than seven days;
- 17 —(3) a fine of more than seven days' pay;
- 18 —(4) reduction of one or more pay grades from the fourth or a
19 higher pay grade;
- 20 —(5) extra duties for more than 14 days;
- 21 —(6) restriction for more than 14 days; or
- 22 —(7) detention of more than 14 days' pay;

23 the authority who is to act on the appeal shall refer the case to a
24 judge advocate of the California National Guard for consideration
25 and advice, and may so refer the case upon appeal from any
26 punishment imposed under subdivision (b).

27 (f) The imposition and enforcement of disciplinary punishment
28 under this section for any act or omission is not a bar to trial by
29 court-martial for a serious crime or offense growing out of the

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Page 16 30 ~~same act or omission, and not properly punishable under this~~
31 ~~section; but the fact that a disciplinary punishment has been~~
32 ~~enforced may be shown by the accused upon trial, and when so~~
33 ~~shown shall be considered in determining the measure of~~
34 ~~punishment to be adjudged in the event of a finding of guilty.~~

35 ~~(g) The Adjutant General may, by regulation, prescribe the form~~
36 ~~of records to be kept of proceedings under this article and may~~
37 ~~also prescribe that certain categories of those proceedings shall be~~
38 ~~in writing.~~

39 ~~SEC. 39. Section 455 of the Military and Veterans Code is~~
40 ~~amended to read:~~

Page 17 1 ~~455. Courts of inquiry shall consist of at least three members~~
2 ~~and may be ordered by the Governor to examine into the nature~~
3 ~~of any transaction of or accusation or imputation against any officer~~
4 ~~or enlisted person. The courts shall not be ordered except upon the~~
5 ~~request of the officer concerned or whose conduct is to be inquired~~
6 ~~into or upon the request of the enlisted person concerned.~~

8 ~~The members of the court may be officers or qualified enlisted~~
9 ~~persons, and the court may include both officers and qualified~~
10 ~~enlisted persons.~~

11 ~~The practice and procedure of the court of inquiry shall be in~~
12 ~~accordance with the Articles of War and like tribunals appointed~~
13 ~~for similar purposes in the United States Army, United States Air~~
14 ~~Force, and United States Navy. The court shall, without delay,~~
15 ~~report to the officer ordering it, the evidence adduced, a statement~~
16 ~~of the facts, and, when required, an opinion thereon.~~

17 ~~Boards for conducting investigations and investigating officers~~
18 ~~may be appointed in accordance with the rules and regulations~~
19 ~~adopted for the appointment of similar boards and officers in the~~
20 ~~United States Army, United States Air Force, and United States~~
21 ~~Navy.~~

22 ~~SEC. 40. Section 458.1 of the Military and Veterans Code is~~
23 ~~amended to read:~~

24 ~~458.1. The Courts-Martial Appellate Panel shall have power~~
25 ~~over the following:~~

26 ~~(a) The issuance of extraordinary writs relative to all matters~~
27 ~~arising under the following:~~

28 ~~(1) The provisions of this code.~~

29 ~~(2) The Uniform Code of Military Justice.~~

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Page 17 30 ~~(3) Any regulation issued by the Governor pertaining to~~
31 ~~members of the California active militia.~~
32 ~~(4) Court-martial actions pending before any military judge of~~
33 ~~the California Military Department.~~
34 ~~(b) Adjudicating appeals of sentences of a court-martial that~~
35 ~~have been approved by the convening authority, as described in~~
36 ~~Section 455.1, and which include:~~
37 ~~(1) Dismissal, in the case of a commissioned or warrant officer.~~
38 ~~(2) Dishonorable discharge, in the case of an enlisted person.~~
Page 18 1 ~~(3) Bad-conduct discharge, in the case of an enlisted person.~~
3 ~~(4) Forfeiture of all pay and allowances.~~
4 ~~(5) Any confinement.~~
5 ~~(c) The practices and procedures of the Courts-Martial Appellate~~
6 ~~Panel shall follow the federal Manual for Courts-Martial described~~
7 ~~in Section 102 and the California Manual for Courts-Martial.~~
8 ~~SEC. 41. Section 463 of the Military and Veterans Code is~~
9 ~~amended to read:~~
10 ~~463. Military courts may issue all process and mandates,~~
11 ~~including writs and warrants, necessary and proper to carry into~~
12 ~~full effect the powers vested in those courts. Process or mandates~~
13 ~~may be directed to the sheriff of any county, any peace officer, the~~
14 ~~police of any city and the marshals of any town or city, or to any~~
15 ~~officer or enlisted person appointed by the court to serve or execute~~
16 ~~process or mandates. All officers to whom process or mandates~~
17 ~~are directed shall execute the process or mandates and make return~~
18 ~~of their acts thereunder according to the requirements thereof.~~
20 ~~SEC. 42. Section 465 of the Military and Veterans Code is~~
21 ~~amended to read:~~
22 ~~465. Presidents of courts-martial, one-officer special~~
23 ~~courts-martial, and summary court officers shall have power to~~
24 ~~issue warrants to arrest an accused person and to bring him or her~~
25 ~~before the court for trial. A court shall be ordered for his or her~~
26 ~~trial within the time similarly prescribed by the rules and~~
27 ~~regulations of the United States Army. If a copy of the charges~~
28 ~~and specifications is not served, or a court is not ordered within~~
29 ~~the time herein limited, the arrest shall cease, but the charges and~~
30 ~~specifications may be served, a court ordered, and the officer or~~
31 ~~enlisted person be brought to trial after the release from arrest~~
32 ~~within the time prescribed by the rules and regulations of the~~
33 ~~United States Army in similar circumstances. The appearance of~~

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Page 18 34 the accused, without objection and pleading to the charges, shall
35 be a waiver of any defect or irregularity of service of any of the
36 papers mentioned in this section:

37 SEC. 43. ~~Section 551 of the Military and Veterans Code is~~
38 ~~amended to read:~~

39 551. ~~The Governor is hereby authorized to prescribe rules and~~
40 ~~regulations not inconsistent with the provisions of this chapter~~
Page 19 1 ~~governing the enlistment, organization, administration, equipment,~~
2 ~~maintenance, training, and discipline of forces. The rules and~~
3 ~~regulations, insofar as the Governor deems practicable and~~
4 ~~desirable, shall conform to existing law governing and pertaining~~
5 ~~to the National Guard and the rules and regulations adopted~~
6 ~~thereunder and shall prohibit the acceptance of gifts, donations,~~
7 ~~gratuities, or anything of value by those forces or any member of~~
8 ~~those forces from any individual, firm, association, or corporation~~
9 ~~by reason of that membership. Section 167 shall at no time apply~~
10 ~~to the forces herein authorized except that all officers, warrant~~
11 ~~officers, and enlisted persons on active duty with the Office of the~~
12 ~~Adjutant General shall be appointed by the Governor, with~~
13 ~~consideration of the recommendation of the Adjutant General. All~~
14 ~~officers, warrant officers and enlisted persons on active duty under~~
15 ~~Section 167 who are ordered into federal service by federal~~
16 ~~authority during the emergency or who are ordered by state~~
17 ~~authority to perform duty with the forces herein authorized shall~~
18 ~~not thereby lose the rights and privileges provided in Section 167~~
19 ~~and shall be restored to those rights and privileges upon completion~~
20 ~~of that service or duty.~~

21 ~~Members of the California National Guard not ordered to federal~~
22 ~~service or who are not required to perform federal service or who~~
23 ~~have been deferred from federal duty may perform service as~~
24 ~~members of the California National Guard on state active duty on~~
25 ~~behalf of the forces herein authorized and may be compensated as~~
26 ~~provided in Sections 320 and 321.~~

27 SEC. 44. ~~Section 552 of the Military and Veterans Code is~~
28 ~~amended to read:~~

29 552. ~~Officers and warrant officers of the forces herein~~
30 ~~authorized on active duty in the service of the state shall receive~~
31 ~~the same pay and allowances as officers of similar grade in the~~
32 ~~Army of the United States.~~

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Page 19 33 An officer, warrant officer or enlisted person of the forces herein
34 authorized may, with his or her consent, be detailed for duty and
35 may be paid compensation in any grade lower than the officer,
36 warrant officer, or enlisted person actually holds; provided, the
37 officer, warrant officer or enlisted person voluntarily waives all
38 compensation in excess of the lower grade in which he or she is
39 detailed to duty.

Page 20 1 Whenever an officer or warrant officer of the forces herein
2 authorized is detailed for special duty in any matter relating to
3 those forces, by order of the Governor, he or she shall be allowed
4 the same pay and allowances as officers or warrant officers of
5 similar grade in the Army of the United States and actual traveling
6 expenses. An enlisted person similarly detailed shall be allowed
7 the same pay and allowances as enlisted persons of similar grade
8 in the Army of the United States and actual traveling expenses,
9 except that family allowances shall not be allowed those enlisted
10 persons. An officer, warrant officer or enlisted person of the forces
11 herein authorized may, with his or her consent, be detailed for
12 special duty without expense to the state, except and provided,
13 however, he or she may be paid his or her actual traveling expenses.

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

19 All enlistments of members of the active militia may be extended
20 by the Adjutant General if necessary during the existence of a
21 national emergency.

22 SEC. 45. Section 562 of the Military and Veterans Code is
23 amended to read:

24 562. In all cases in which any officer, warrant officer or enlisted
25 person of the State Military Reserve, when organized or authorized
26 as a cadre or otherwise, when in the performance of ordered duty,
27 or when ordered into the active service of the state, is wounded,
28 injured, disabled, or killed in active service, or in the performance
29 of ordered duty and in line of duty, the officer or warrant officer
30 or enlisted person or the dependents of that officer or warrant
31 officer or enlisted person shall be entitled to receive compensation
32 from the state in accordance with the provisions of Division 4
33 (commencing with Section 3201) of the Labor Code. In all such
34

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Page 20 35 cases, an officer, warrant officer, enlisted person shall be held and
36 deemed to be an employee of the state. The compensation to be
37 awarded to any such officer, warrant officer, enlisted person shall
38 be ascertained, determined, and fixed upon the basis of his or her
39 average income from all sources during the year immediately
40 preceding the date of the injury or death or the commencement of
Page 21 1 the disability, but the compensation shall in no case exceed the
2 maximum prescribed in Division 4 (commencing with Section
3 3201) of the Labor Code.

5 In the determination of the benefits to be awarded any member
6 of the State Military Reserve or his or her dependents under the
7 provisions of this section it shall be conclusively presumed that
8 the average yearly earning of the injured or deceased member is
9 not less than two thousand five hundred dollars (\$2,500). Any
10 injury, death, or disability shall be deemed to have been suffered
11 in line of duty unless the same resulted from misconduct or
12 disobedience of lawful orders by the injured or deceased member.

13 SEC. 46. Section 648 of the Military and Veterans Code is
14 amended to read:

15 648. (a) Except as provided by subdivision (b), decorations
16 authorized by this code and decorations, medals, badges, ribbons,
17 and insignia authorized by the laws or regulations of the United
18 States pertaining to the National Guard, Air National Guard, and
19 Naval Militia may be worn by officers, warrant officers, and
20 enlisted persons in accordance with the code, laws, or regulations.
21 However, decorations awarded by other states and territories of
22 the United States may be worn, but shall be subordinated to those
23 issued by federal and state laws or regulations. No other
24 decorations, medals, badges, ribbons, or insignia may be worn. A
25 violation of this section shall constitute a misdemeanor.

27 (b) Decorations authorized by this code and decorations or
28 medals from the Armed Forces of the United States, the California
29 National Guard, State Military Reserve, or Naval Militia, or any
30 service medals or badges awarded to the members of such forces,
31 may be worn by uniformed public safety personnel in accordance
32 with the code, laws, or regulations, during the business week prior
33 to Veterans Day and Memorial Day, the day of Veterans Day and
34 Memorial Day, and the business day immediately following
35 Veterans Day and Memorial Day. The employer of the uniformed
36 public safety personnel shall retain the right to prohibit the wearing

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Page 21 37 of military decorations pursuant to this subdivision if the employer
 38 determines that wearing the military decorations poses a safety
 39 hazard to the uniformed public safety personnel or to the public.

Page 22 1 ~~SEC. 47. Section 32177.5 of the Revenue and Taxation Code~~
 2 ~~is amended to read:~~
 3 ~~32177.5. No tax shall be imposed upon the sale of distilled~~
 4 ~~spirits by brandy manufacturers, distilled spirits manufacturers,~~
 5 ~~rectifiers, importers, and distilled spirits wholesalers to the~~
 6 ~~following listed instrumentalities of the armed forces of the United~~
 7 ~~States organized under Army, Air Force, Navy, Marine Corps, or~~
 8 ~~Coast Guard regulations and located upon territory within the~~
 9 ~~geographical boundaries of the state:~~
 10 ~~(a) Army, Air Force, Navy, Marine Corps, and Coast Guard~~
 11 ~~exchanges.~~
 12 ~~(b) Officers', noncommissioned officers', and enlisted persons'~~
 13 ~~clubs or messes.~~
 14 ~~If any manufacturer, rectifier, importer or wholesaler has paid~~
 15 ~~the tax on alcoholic beverages, except beer and wine, thereafter~~
 16 ~~sold to an instrumentality of the Armed Forces so located, the~~
 17 ~~taxpayer may claim and shall be allowed credit with respect to the~~
 18 ~~tax so paid in any report filed or assessment paid under this part.~~

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