

**Introduced by Senator Laird**

February 13, 2024

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An act to amend ~~Section 973~~ of Sections 66, 66.5, 70, 73.7, 79, 84, 86, 123, 143, 144, 146, 161, 162, 166, 170, 189, 229, 230, 233, 252, 257, 263, 266, 324, 325, 340.1, 363, 364, 368, 395, 395.01, 395.06, 395.07, 395.08, 395.1, 395.3, 395.6, 395.10, 399, 399.5, 402, 403, 404, 409.1, 409.2, 409.6, 409.8, 409.13, 416, 502, 520, 530, 552, 554, 555, 557, 559, 560, 641, 642, 642.1, 643, 807, 811, 824, 827, 890.3, 891, 928, 944, 946, 974.5, 981.3, 987.58, 987.69, 987.74, 987.77, 987.79, 988.2, 988.4, 996.979, 996.993, 997.009, 998.009, 998.029, 998.049, 998.060, 999.2, 1012, 1035.6, 1035.7, 1038, 1038.1, 1038.5, 1042, 1051, 1176, 1255, 1265, 1652, 1690, 1691, 1692, 1693, 1820, 1821 of, and to repeal and add Section 391 of, the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1097, as amended, Laird. ~~Veterans: veteran service officers.~~  
*Veterans: military and veterans: gender-neutral terms.*

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

*Existing law exempts members of the active militia from road tax and head tax and from jury duty, with specified exemptions, and from service on any posse comitatus if the member furnishes a certificate from their*

*commanding officer that they have performed the duties required of them in the prior year or during the term of their service, if less than a year.*

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

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

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

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

~~Under existing law a veteran service officer has the power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public, as part of their duties assisting veterans, as specified.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

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

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

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

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

1 66.5. (a) Every member of the board shall be a member in  
2 good standing with a congressionally chartered veteran service  
3 organization.

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

8 (1) Combat-related disorders.

9 (2) Sexual trauma.

10 (3) Homelessness.

11 (c) ~~Nothing in this section shall be construed to~~ *This section*  
12 *does not* prohibit any member of the board from serving the  
13 remainder of ~~his or her~~ *their* term.

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

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

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

39 (2) In order to be eligible for inclusion in the Veterans Registry,  
40 a person must have served in the active military of the United

1 States, received a discharge under honorable conditions, and  
2 resided in California at some time before, during, or after ~~his or~~  
3 ~~her~~ *their* military service. Failure to meet this eligibility  
4 requirement constitutes good cause for removal of the person's  
5 name from the Veterans Registry.

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

8 73.7. (a) Any state officer or employee who intentionally  
9 engages in acts of reprisal, retaliation, threats, coercion, or similar  
10 acts against an employee of any state department, board, or  
11 authority for having disclosed what the employee, in good faith,  
12 believed to be improper activities regarding veterans programs  
13 that are supported by the state shall be disciplined by adverse action  
14 as provided in Section 19572 of the Government Code. ~~If no~~ *an*  
15 adverse action is *not* instituted by the appointing power, the State  
16 Personnel Board shall take adverse action in the same manner as  
17 provided in Section 19583.5 of the Government Code.

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

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

31 79. There shall be an Undersecretary of Veterans Affairs, who  
32 shall be a civil executive officer. ~~He or she~~ *The holder of this*  
33 *position* shall be appointed and ~~his or her~~ *their* salary shall be  
34 established by the secretary pursuant to law.

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

37 84. (a) The secretary ~~may~~ *may*, whenever ~~he or she~~ *deems it*  
38 ~~advisable~~ *they deem it advisable* and ~~shall~~ *shall*, when required ~~so~~  
39 to do *so* by the ~~board~~ *board*, present reports and recommendations

1 to the board concerning any matter relating to veterans' welfare  
2 whether or not provided by existing law.

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

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

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

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

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

35 (b) Hearings of appeals related to the Veterans' Farm and Home  
36 Purchase Act may be delegated by the board only to the Office of  
37 Administrative Hearings to be conducted by administrative law  
38 judges of the Office of Administrative Hearings pursuant to  
39 Chapter 4 (commencing with Section 11370) and Chapter 5  
40 (commencing with Section 11500) of Part 1 of Division 3 of Title

1 2 of the Government Code. The administrative law judges shall  
2 submit their proposed decisions to the board for final decision.  
3 The administrative law judges shall make all reasonable efforts to  
4 hold hearings at neutral locations, however, if no other facilities  
5 are available without incurring excessive costs, the hearings may  
6 be held at the department office nearest to the appellant's home.

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

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

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

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

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

33 144. The Governor may at any time revoke a proclamation of  
34 insurrection or declare that it shall terminate at a time or in the  
35 manner that ~~he or she directs~~. *the Governor directs*.

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

38 146. The Governor may call into active service any portion of  
39 the active militia as may be necessary, and if the number available  
40 be insufficient, the Governor may call into active service any

1 portion of the unorganized militia as may be necessary, in any of  
2 the following events:

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

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

9 (c) Upon call of any United States marshal in California, or  
10 upon call of any officer of the United States Army commanding  
11 an army, army area, or military administrative or tactical ~~command~~  
12 *command*, including generally the State of California, or upon call  
13 of any officer of the United States Air Force commanding an air  
14 force, air defense force, air defense ~~command~~ *command*, or air  
15 ~~command~~ *command*, including generally the State of California.

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

24 (e) Upon call of the sheriff setting forth that the civil power of  
25 the county is not sufficient to enable the sheriff to execute process  
26 delivered to ~~him or her~~ *them*.

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

29 161. Within the Military Department, the office of the Adjutant  
30 General consists of one officer of the rank of lieutenant general  
31 who is the Adjutant General, one officer of the rank of brigadier  
32 general who is the Deputy Adjutant General, one officer who may  
33 be of the rank of brigadier general who is the Assistant Adjutant  
34 General, Army, one officer who may be of the rank of brigadier  
35 general who is the Assistant Adjutant General, Air, one officer  
36 who may be of the rank of brigadier general who is the Chief of  
37 Staff and Director of the Joint Staff, and other officers as are  
38 prescribed by the laws or regulations of the United States. ~~No A~~  
39 ~~person is not eligible for appointment as the Deputy Adjutant~~  
40 ~~General unless he or she has not they have no less than a total of~~

1 five years of commissioned service in the National Guard of the  
 2 United States, of which at least three years shall be service as a  
 3 field grade officer in the California National Guard within the  
 4 preceding 10-year period prior to the date of appointment and of  
 5 which at least three years shall have been in command of army or  
 6 air troops at the battalion or equivalent or higher command level  
 7 or three years as a staff officer at brigade or equivalent or higher  
 8 staff level. The Deputy Adjutant General is subordinate only to  
 9 the Governor and the Adjutant General and shall have ~~his or her~~  
 10 *their* duties assigned by the Adjutant General.

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

13 162. The Governor, as Commander in Chief, shall appoint the  
 14 Adjutant General, who shall be on state active duty, in the grade  
 15 of lieutenant general, with the advice and consent of the Senate,  
 16 and that person shall hold office at the pleasure of the Governor,  
 17 or until ~~his or her~~ *their* successor is appointed and has qualified.  
 18 ~~No~~ A person is *not* eligible for appointment as Adjutant General  
 19 unless ~~he or she had not~~ *they have no* less than a total of 10 years  
 20 of commissioned service in the National Guard of the United  
 21 States, of which at least four years shall be service as a field grade  
 22 officer in the California National Guard within the preceding  
 23 10-year period prior to the date of appointment and of which at  
 24 least four years shall have been in command of army or air troops  
 25 at the battalion or equivalent or higher command level or four  
 26 years as a staff officer at brigade or equivalent or higher staff level.

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

29 166. In the event of the absence of the Adjutant General or of  
 30 ~~his or her~~ *their* inability to perform ~~his or her~~ *their* duties, the  
 31 Deputy Adjutant General or other officer designated by the  
 32 Adjutant General shall perform the duties of the Adjutant General.  
 33 ~~In the event of the absence or inability of those officers, If those~~  
 34 ~~officers are absent or unable to perform their duties,~~ the Governor  
 35 may detail a National Guard officer to perform those duties.

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

38 170. The seal now used in the Office of the Adjutant General  
 39 is the seal of that ~~office,~~ *office* and shall be delivered by the  
 40 Adjutant General to ~~his or her~~ *their* successor. All orders issued

1 from the Office of the Adjutant General shall be authenticated with  
2 this seal. Any order or directive inadvertently or mistakenly made  
3 or entered in the Office of the Adjutant General may for good  
4 cause and a reasonable time be vacated and set aside by the  
5 Adjutant General and a proper and correct order or directive made  
6 and entered in lieu thereof.

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

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

23 (b) The Adjutant General shall be liable on ~~his or her~~ *their* bond  
24 for the money so advanced to the Adjutant General and may, to  
25 protect ~~himself or herself,~~ *themselves,* require sufficient bond of the  
26 several employees under the Adjutant General in case it should be  
27 necessary to delegate any of them to disburse money from the  
28 revolving fund. The Adjutant General shall account for the money  
29 herein appropriated at any time upon demand of the Department  
30 of Finance or the Controller.

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

33 229. When a board of officers finds that an officer is  
34 incapacitated for active service, and that ~~his or her~~ *their* incapacity  
35 is the result of an incident of the service, and its decision is  
36 approved by the Governor, the officer shall be retired from active  
37 service and placed on the retired list of officers. When a board of  
38 officers finds the incapacity of an officer is not the result of any  
39 incident of the service, and its decision is approved by the

1 Governor, the officer shall be retired from active service, or  
2 discharged, as the Governor ~~may determine~~. *determines*.

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

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

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

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

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

28 252. Appointments of noncommissioned and petty officers  
29 shall conform to the tables of organization and to the rules and  
30 regulations prescribed by the United States for the government  
31 and administration of the National Guard. All noncommissioned  
32 and petty officers shall be appointed by the commanding officer  
33 of the division, brigade, regiment, separate battalion, squadron,  
34 marine division, or similar organization, upon the recommendation  
35 of the commanding officer of the unit in which they are to serve.  
36 Noncommissioned and petty officers of separate companies, troops,  
37 batteries, detachments, and similar units, not forming part of an  
38 existing higher tactical organization, shall be appointed by the  
39 Adjutant General. When an examination is required by federal  
40 laws or regulations or by state regulations, ~~no~~ *an* enlisted person

1 shall *not* be appointed until ~~he or she~~ *has they have* successfully  
2 passed the examination.

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

5 257. When an enlisted person of the National Guard is  
6 sixty-four years of age, ~~he or she~~ *they* shall be retired from active  
7 service or discharged.

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

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

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

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

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

27 324. (a) Whenever an officer of the National Guard or Naval  
28 Militia is detailed for special duty in any matter relating to the  
29 National Guard or Naval Militia, by order of the Governor, that  
30 officer shall be allowed the same pay and allowances as officers  
31 of similar grade in the United States Army and United States Navy  
32 and actual traveling expenses. An enlisted person similarly detailed  
33 shall be allowed the same pay and allowances as enlisted persons  
34 of similar grade in the United States Army and United States Navy  
35 and actual traveling expenses, except that family allowances shall  
36 not be allowed to those enlisted persons. An officer of the National  
37 Guard or Naval Militia may, with ~~his or her~~ *their* consent, be  
38 detailed for special duty without expense to the state, ~~except and~~  
39 provided, however, the officer may be paid actual traveling  
40 expenses. An officer of the National Guard or Naval Militia may,

1 with ~~his or her~~ *their* consent, be detailed for duty and may be paid  
2 compensation in a grade lower than the officer actually holds  
3 provided the officer voluntarily waives all compensation in excess  
4 of the lower grade.

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

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

13 325. ~~Whenever~~ *When* an officer or enlisted person of the United  
14 States ~~Army or Army, United States Navy Navy, or United States~~  
15 Air Force, detailed by the Department of the ~~Army or Army, the~~  
16 Department of the ~~Navy Navy, or the Department of the Air Force~~  
17 for service with the National Guard or Naval Militia, is detailed  
18 by the Governor for special duty or requested to perform any duty  
19 involving travel not specially directed by the Department of the  
20 ~~Army or Army, the Department of the Navy Navy, or the~~  
21 Department of the Air Force, the officer or enlisted person shall  
22 be allowed ~~his or her~~ *their* actual traveling expenses, but no per  
23 diem.

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

26 340.1. (a) Any officer, warrant officer, or enlisted member of  
27 the California National Guard, the organized militia, or the  
28 unorganized militia, when called into the active service of the state,  
29 pursuant to Sections 142, 143, or 146, except an officer, warrant  
30 officer, or enlisted member on full-time duty with the Office of  
31 the Adjutant General, who is wounded, injured, or disabled in the  
32 active service of the state in the line of duty shall be retained on  
33 active duty and shall receive regular military pay and allowances  
34 for not to exceed 52 weeks from the date of wounding, injury, or  
35 disability, regardless of the date of expiration of the period of state  
36 active duty, unless any of the following occurs:

37 (1) The member becomes entitled to disability compensation  
38 through any private or other public employer.

39 (2) The member is able to return to ~~his or her~~ *their* regular  
40 civilian employment, as determined by proper authority.

1 (3) The member requests an earlier release from active duty.

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

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

10 363. Every officer and enlisted person shall be responsible to  
11 the officer under whose immediate command ~~he or she~~ *they*  
12 *serve* for prompt and unhesitating obedience to lawful orders,  
13 faithful performance of duty, and the preservation and proper use  
14 of the property in ~~his or her~~ *their* possession that belongs to the  
15 United States, the State of California, or the appropriate military  
16 organization. Each officer and enlisted person shall at all times,  
17 without equivocation, obey the lawful orders of ~~his or her~~ *their*  
18 superior officers.

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

21 364. Any officer or enlisted person of the National Guard or  
22 Naval Militia who willfully fails to attend any parade or  
23 encampment, or who neglects or refuses to obey the lawful  
24 command of ~~his or her~~ *their* superior officer on any day of parade  
25 or encampment, or who fails to perform any military duty that may  
26 be lawfully required of ~~him or her~~ *them*, or who uses disrespectful  
27 language toward ~~his or her~~ *their* superior officer or commits any  
28 act of insubordination, is guilty of a misdemeanor.

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

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

39 ~~in~~

1 (b) In addition to ~~those~~ the drills and periods of duty ~~above~~  
2 specified in subdivision (a), the commanding officer of any unit  
3 may require the officers and enlisted persons of ~~his or her~~ their  
4 command to meet for parade, drill, and instruction at the times and  
5 places as ~~he or she~~ they may appoint.

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

8 391. ~~Every member of the active militia shall be exempt from~~  
9 ~~road tax and head tax of every description, from jury duty~~  
10 ~~(including service on coroners' juries) except that members of the~~  
11 ~~National Guard who are not on active duty shall not be exempt~~  
12 ~~from jury duty in any noncriminal proceeding, and from service~~  
13 ~~on any posse comitatus, if the member furnishes the certificate of~~  
14 ~~his or her immediate commanding officer that the member has~~  
15 ~~performed the duties required of him or her for the year~~  
16 ~~immediately preceding a summons to act as juror or during the~~  
17 ~~period of the member's service if less than one year.~~

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

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

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

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

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

1 (c) The employee has an absolute right to be restored to the  
2 former office or position and status formerly had by ~~him or her~~  
3 *them* in the same locality and in the same office, board,  
4 commission, agency, or institution of the public agency upon the  
5 termination of temporary military duty. If the office or position  
6 has been abolished or otherwise has ceased to exist during ~~his or~~  
7 ~~her~~ *their* absence, ~~he or she~~ *the employee* shall be reinstated to a  
8 position of like seniority, status, and pay if a position exists, or if  
9 no position exists the employee shall have the same rights and  
10 privileges that ~~he or she~~ *they* would have had if ~~he or she~~ *they* had  
11 occupied the position when it ceased to exist and had not taken  
12 temporary military leave of absence.

13 (d) Any public employee who has been in the service of the  
14 public agency from which the leave is taken for a period of not  
15 less than one year immediately prior to the date upon which a  
16 temporary military leave of absence begins, shall receive the same  
17 vacation, sick leave, and holiday privileges and the same rights  
18 and privileges to promotion, continuance in office, employment,  
19 reappointment to office, or reemployment that the employee would  
20 have enjoyed had ~~he or she~~ *they* not been ~~absent therefrom;~~  
21 ~~excepting absent, except~~ that an uncompleted probationary period,  
22 if any, in the public agency, ~~must~~ *shall* be completed upon  
23 reinstatement as provided by law or rule of the agency. For the  
24 purposes of this section, in determining the one year of service in  
25 a public ~~agency~~ *agency*, all service of the employee in recognized  
26 military service shall be counted as public agency service.

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

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

37 395.01. (a) Any public employee who is on temporary military  
38 leave of absence for military duty ordered for purposes of active  
39 military training, inactive duty training, encampment, naval cruises,  
40 special exercises, or like activity as such member, provided that

1 the period of ordered duty does not exceed 180 calendar days  
2 including time involved in going to and returning from the duty,  
3 and who has been in the service of the public agency from which  
4 the leave is taken for a period of not less than one year immediately  
5 prior to the day on which the absence begins, is entitled to receive  
6 ~~his or her~~ *their* salary or compensation as a public employee for  
7 the first 30 calendar days of ~~any such~~ *the* absence. Pay for those  
8 purposes may not exceed 30 days in any one fiscal year. For the  
9 purposes of this section, in determining the one year of public  
10 agency service, all service of a public employee in the recognized  
11 military service shall be counted as public agency service.

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

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

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

26 395.06. (a) A private employer shall consider a former  
27 employee who meets the requirements of subdivision (b) as having  
28 been on a leave of absence during any period of the former  
29 employee's active service in the National Guard of any state, and  
30 is subject to both of the following:

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

39 (2) If the position was a part-time ~~position,~~ *position* and not a  
40 temporary position, the former employer shall restore the former

1 employee to the former position, or to a position of similar  
2 seniority, status, and pay, if any exists, and shall not discharge the  
3 former employee from the position without cause within one year  
4 after restoring ~~him or her~~ *them* to the position.

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

8 (1) ~~He or she is~~ *They are* an officer or enlisted member of the  
9 National Guard of any state.

10 (2) ~~He or she was~~ *They were* called to active duty by the  
11 Governor of the state where ~~he or she serves~~ *they serve* in the  
12 National Guard or by the President of the United States.

13 (3) ~~He or she~~ *They* received a certificate of satisfactory service  
14 in the National Guard of the state where ~~he or she serves~~ *they serve*  
15 in the National Guard.

16 (4) ~~He or she is~~ *They are* still qualified to perform the duties of  
17 the position.

18 (5) If ~~he or she~~ *they* left a full-time position, ~~he or she~~ *they* made  
19 application for reemployment within 40 days of being released  
20 from service. If ~~he or she~~ *they* left part-time employment, ~~he or~~  
21 ~~she~~ *they* made application for reemployment within five days of  
22 being released from service.

23 (c) If any employer fails or refuses to comply with this section,  
24 the superior court of the county in which the employer maintains  
25 a place of business may, upon the filing of a motion, petition, or  
26 other appropriate pleading by the person entitled to the benefits  
27 of this section, specifically require the employer to comply with  
28 this section and compensate the person for any loss of wages or  
29 benefits suffered by reason of the employer's unlawful action. The  
30 court shall order a speedy hearing and shall advance it on the  
31 calendar. Upon application to the district attorney of the county  
32 in which the employer maintains a place of business by any person  
33 claiming to be entitled to the benefits of this section, the district  
34 attorney, if reasonably satisfied that the person is entitled to these  
35 benefits, shall appear and act as attorney for the person in the  
36 amicable adjustment of the claim or in the filing of any motion,  
37 petition, or other appropriate pleading and the prosecution thereof  
38 to specifically require the employer to comply with this section.  
39 ~~No fees~~ *Fees* or court costs ~~are~~ *shall not be* required to be paid by  
40 the person applying for these benefits.

1 (d) Upon application to the city prosecutor of the city in which  
2 the employer maintains a place of business by any person claiming  
3 to be entitled to the benefits of this section, the city prosecutor, if  
4 reasonably satisfied that the person is entitled to these benefits,  
5 may appear and act as attorney for the person in the amicable  
6 adjustment of the claim or in the filing of any motion, petition, or  
7 other appropriate pleading and the prosecution thereof to  
8 specifically require the employer to comply with this section. ~~No~~  
9 ~~fees~~ Fees or court costs ~~are~~ shall not be required to be paid by the  
10 person applying for these benefits.

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

13 395.07. (a) In addition to the benefits provided pursuant to  
14 Sections 395.01 and 395.02, any officer or employee of the  
15 legislative, executive, or judicial department of the state, who, as  
16 a member of the California National Guard or a United States  
17 Military Reserve organization, is called into active duty as a result  
18 of the Iraq-Kuwait crisis on or after August 2, 1990, shall have the  
19 benefits provided for in subdivision (b).

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

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

30 (2) All benefits ~~which he or she~~ that they would have received  
31 had ~~he or she~~ they not been called to active duty unless the benefits  
32 are prohibited or limited by vendor contracts.

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

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

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

3     395.08. (a) In addition to the benefits provided pursuant to  
4 Sections 395.01 and 395.02, any officer or employee of the  
5 legislative, executive, or judicial department of the state, who, as  
6 a member of the California National Guard or a United States  
7 Military Reserve organization, is called into active duty as a result  
8 of the Bosnia crisis on or after November 21, 1995, shall have the  
9 benefits provided for in subdivision (b).

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

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

20    (2) All benefits that ~~he or she~~ *they* would have received had ~~he~~  
21 ~~or she~~ *they* not been called to active duty unless the benefits are  
22 prohibited or limited by vendor contracts.

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

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

31    (e) Benefits provided under paragraph (1) of subdivision (b)  
32 shall only be provided to an employee who was not eligible to  
33 participate in the federal Ready Reserve Mobilization Income  
34 Insurance Program (10 U.S.C. Sec. 12521 et seq.) or a successor  
35 federal program that, in the determination of the Director of  
36 Personnel Administration, is substantively similar to the federal  
37 Ready Reserve Mobilization Income Insurance Program. For an  
38 employee eligible to participate in the federal Ready Reserve  
39 Mobilization Income Insurance Program or a successor program,  
40 and whose monthly salary as a state employee was higher than the

1 sum of ~~his or her~~ *their* military pay and allowances and the  
2 maximum allowable benefit under the federal Ready Reserve  
3 Mobilization Income Insurance Program or a successor program,  
4 the employee shall receive the amount payable under paragraph  
5 (1) of subdivision (b), but that amount shall be reduced by the  
6 maximum allowable benefit under the federal Ready Reserve  
7 Mobilization Income Insurance Program or a successor program.  
8 For individuals who elected the federal Ready Reserve  
9 Mobilization Income Insurance Program the state shall reimburse  
10 for the cost of the insurance premium for the period of time on  
11 active duty, not to exceed 180 calendar days.

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

14 395.1. (a) Notwithstanding any other ~~provision~~ of law to the  
15 contrary, any officer or employee of the state not subject to Chapter  
16 11 (commencing with Section 19770) of Part 2 of Division 5 of  
17 Title 2 of the Government Code, or any public officer, deputy,  
18 assistant, or employee of any city, county, city and county, school  
19 district, water district, irrigation district, or any other district,  
20 political corporation, political subdivision, or governmental agency  
21 thereof who, in time of war or national emergency as proclaimed  
22 by the President or Congress, or when any of the armed forces of  
23 the United States are serving outside of the United States or their  
24 territories pursuant to order or request of the United Nations, or  
25 while any national conscription act is in effect, leaves or has left  
26 ~~his or her~~ *their* office or position prior to the end of the war, or the  
27 termination of the national emergency or during the effective period  
28 of any order or request of this type of the United Nations or prior  
29 to the expiration of the National Conscription Act, to join the armed  
30 forces of the United States and who does or did without  
31 unreasonable and unnecessary delay join the armed forces or, being  
32 a member of any reserve force or corps of any of the armed forces  
33 of the United States or of the militia of this state, is or was ordered  
34 to duty therewith by competent military authority and served or  
35 serves in compliance with those orders, shall have a right, if  
36 released, separated or discharged under conditions other than  
37 dishonorable, to return to and reenter upon the office or position  
38 within six months after the termination of ~~his or her~~ *their* active  
39 service with the armed forces, but not later than six months after  
40 the end of the war or national emergency or military or police

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

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

31 (2) If the office or position has been abolished or otherwise has  
32 ceased to exist during ~~his or her~~ *their* absence, ~~he or she~~ *they* shall  
33 be reinstated in a position of like seniority, status and pay if the  
34 position exists, or to a comparable vacant position for which ~~he~~  
35 ~~or she~~ *they are* qualified.

36 (c) Any officer or employee other than a probationer who is  
37 restored to ~~his or her~~ *their* office or employment pursuant to this  
38 act shall not be discharged from that office or position without  
39 cause within one year after the restoration, and shall be entitled to  
40 participate in insurance or other benefits offered by the employing

1 governmental agency pursuant to established rules and practices  
2 relating to those officers or employees on furlough or leave of  
3 absence in effect at the time the officer or employee left ~~his or her~~  
4 *their* office or position to join the armed forces of the United States.

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

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

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

21 395.3. (a) In the event that any public officer or employee has  
22 resigned or resigns ~~his or her~~ *their* office or employment to serve  
23 or to continue to serve in the Armed Forces of the United States  
24 or in the militia of this state, ~~he or she~~ *they* shall have a right to  
25 return to and reenter the office or employment prior to the time at  
26 which ~~his or her~~ *their* term of office or ~~his or her~~ *their* employment  
27 would have ended if ~~he or she~~ *they* had not resigned, on serving a  
28 written notice to that effect upon the authorized appointing power,  
29 or if there is no authorized appointing power, upon the officer or  
30 agency having power to fill a vacancy in the office or employment,  
31 within six months of the termination of ~~his or her~~ *their* active  
32 service with the Armed ~~Forces; provided, that the~~ *Forces. The*  
33 right to return and reenter upon the office or position shall not  
34 extend ~~to~~ or be granted to any public officer or ~~employee, who~~  
35 ~~shall fail~~ *employee who fails* to return to and reenter ~~upon his or~~  
36 ~~her~~ *their* office or position within 12 months after the first date  
37 upon which ~~he or she~~ *they* could terminate or could cause to have  
38 terminated ~~his or her~~ *their* active service with the Armed Forces  
39 of the United States or of the militia of this state.

40 ~~As~~

1 (b) As used in this section, “public officers and employees”  
2 includes all of the following:

3 (a)

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

5 (b)

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

8 (c)

9 (3) All other state officers and employees not within Chapter  
10 11 (commencing with Section 19770) of Part 2 of Division 5 of  
11 Title 2 of the Government Code, including all officers for whose  
12 selection and term of office provision is made in the California  
13 Constitution and laws of this state.

14 (d)

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

18 ~~The~~

19 (c) *The* right of reentry into public office or employment  
20 provided for in this section shall include the right to be restored  
21 to the civil service status as the officer or employee would have  
22 if ~~he or she~~ *they* had not so ~~resigned~~; and ~~no other~~ *resigned*.  
23 *Another* person shall *not* acquire civil service status in the same  
24 position so as to deprive the officer or employee of ~~his or her~~ *their*  
25 right to restoration as provided for herein.

26 ~~This~~

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

30 ~~This~~

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

35 ~~If~~

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

1     ~~H~~

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

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

13     395.6. (a) The Governor may appoint a mediator in ~~his or her~~  
14 *their* office to take complaints, regarding possible violations or  
15 other issues dealing with the Uniformed Service Employment and  
16 Reemployment Rights Act (38 U.S.C. Sec. 4301 et seq.), hereafter  
17 USERRA, and Section 395.06, and to resolve and coordinate the  
18 resolution of those complaints or issues, from state employees who  
19 satisfy both of the following:

20     (1) Are members of either of the following:

21     (A) The California National Guard.

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

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

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

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

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

3 395.10. (a) Notwithstanding any other ~~provision of~~ law, a  
4 qualified employer shall allow a qualified employee to take up to  
5 10 days of unpaid leave during a qualified leave period.

6 (b) For purposes of this section:

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

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

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

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

14 (ii) Title 32 of the United States Code.

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

17 (A) Is the spouse of a qualified member.

18 (B) Performs service for hire for an employer for an average of  
19 20 or more hours per week, but does not include an independent  
20 contractor.

21 (C) Provides the qualified employer with notice, within two  
22 business days of receiving official notice that the qualified member  
23 will be on leave from deployment, of ~~his or her~~ *their* intention to  
24 take the leave provided for in subdivision (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) (1) In order to effectively provide the assistance required  
37 by subdivision (a), the Secretary of the California Department of  
38 Veterans Affairs, or ~~his or her~~ *their* designees, shall develop and  
39 implement a plan for outreach to eligible members and veterans

1 who have returned from combat areas where depleted uranium  
2 was used.

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

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

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

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

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

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

22 399.5. (a) (1) The Secretary of the California Department of  
23 Veterans Affairs, or ~~his or her~~ *their* designees, shall assist any  
24 eligible member or veteran who returns or has returned to this state  
25 in obtaining an appropriate health screening test for traumatic brain  
26 injury and post-traumatic stress disorder.

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

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

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

1 traumatic brain injury and post-traumatic stress disorder, and the  
2 right to screening services.

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

4 (1) “Eligible member” means a member who served under Title  
5 10 of the United States Code as designated by Executive Orders  
6 Nos. 12744 and 13239 of the President of the United States.

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

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

12 402. (a) In any action or proceeding commenced in any court,  
13 if there shall be a default of any appearance by the defendant, the  
14 plaintiff, before entering judgment shall file in the court a  
15 declaration under penalty of perjury setting forth facts showing  
16 that the defendant is not in the military service. If unable to file  
17 that declaration, the plaintiff shall, in lieu thereof, file a declaration  
18 setting forth either that the defendant is in the service or that the  
19 plaintiff is not able to determine whether or not the defendant is  
20 in the service. If a declaration is not filed showing that the  
21 defendant is not in the military service, ~~no~~ judgment shall *not* be  
22 entered without first securing an order of court directing that entry,  
23 and ~~no~~ *an* order shall *not* be made if the defendant is in the military  
24 service until after the court appoints an attorney to represent the  
25 defendant and protect ~~his or her~~ *their* interest, and the court shall,  
26 on application, make that appointment. If an attorney appointed  
27 under this section to represent a service member cannot locate the  
28 service member, actions by the attorney in the case shall not waive  
29 any defense of the service member or otherwise bind the service  
30 member. Unless it appears that the defendant is not in the military  
31 service the court may require, as a condition before judgment is  
32 entered, that the plaintiff file a bond approved by the court  
33 conditioned to indemnify the defendant, if in the military service,  
34 against any loss or damage that ~~he or she~~ *they* may suffer by reason  
35 of any judgment should the judgment be thereafter set aside in  
36 whole or in part. The court may make ~~such other and further order~~  
37 *other orders* or enter that judgment as in its opinion ~~may be~~ *is*  
38 necessary to protect the rights of the defendant under this section.

39 (b) Any person who shall, for purposes of this section, make or  
40 use a declaration declared to be true under penalty of perjury,

1 knowing it to be false, is guilty of a misdemeanor and shall be  
2 punishable by imprisonment not to exceed one year or by a fine  
3 not to exceed one thousand dollars (\$1,000), or both. Any person  
4 violating any provision of this section is also liable for actual  
5 damages, reasonable attorney’s fees, and costs incurred by the  
6 injured party.

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

15 (d) In any action or proceeding in which a service member is a  
16 party, if the service member does not personally appear therein or  
17 is not represented by an authorized attorney, the court may appoint  
18 an attorney to represent ~~him or her~~ *them*. In that case a bond may  
19 be required and an order made to protect the rights of the service  
20 member. However, ~~no~~ *an* attorney appointed under this chapter to  
21 protect a service member shall *not* have the power to waive any  
22 right of the person for whom ~~he or she is~~ *they are* appointed or  
23 bind ~~him or her~~ *them* by ~~his or her~~ *their* acts.

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

38 (f) For purposes of this section and any declaration made under  
39 this section, a defendant shall be deemed to be “in the military  
40 service” if ~~he or she is~~ *they are* either:

1 (1) Currently in the military service.

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

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

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

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

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

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

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

38 (d) Any stay of any action, proceeding, attachment, or execution  
39 ordered by any court under this section may, except as otherwise  
40 provided, be ordered for the period of military service and three

1 months thereafter or any part of that period, and subject to those  
2 terms as may be just, including terms with respect to payment in  
3 installments of those amounts at those times as the court may fix.  
4 If the service member is a codefendant with others the plaintiff  
5 may nevertheless, by leave of court, proceed against the others.

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

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

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

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

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

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

35 409.1. (a) ~~Where any~~ *When a* life insurance policy on the life  
36 of a service member in military service has been assigned prior to  
37 that person's period of military service to secure the payment of  
38 any obligation of the person, ~~to an~~ assignee of the policy, except  
39 the insurer in connection with a policy loan, ~~shall,~~ *shall not,* during  
40 the period of military service of the insured or within one year

1 thereafter, except upon the consent in writing of the insured made  
2 during that period or when the premiums thereon are due and  
3 unpaid or upon the death of the insured, exercise any right or option  
4 by virtue of that assignment unless upon leave of court granted  
5 upon an application made therefor by the assignee. The court may  
6 thereupon refuse to grant that leave unless in the opinion of the  
7 court the ability of the obligor to comply with the terms of the  
8 obligation is not materially affected by reason of ~~his or her~~ *their*  
9 military service.

10 (b) ~~No~~ A person shall *not* exercise any right to foreclose or  
11 enforce any lien on the property or personal effects of a service  
12 member, including liens for storage, repair, or cleaning, during  
13 that person's period of military service and for 120 days thereafter,  
14 except upon an order previously granted by a court upon  
15 application therefor and a return thereto made and approved by  
16 the court. In a proceeding to foreclose or enforce a lien subject to  
17 this section, the court may on its own motion, or if requested by  
18 a service member whose ability to comply with the obligation  
19 resulting in the proceeding is materially affected by military  
20 service, stay the proceeding for a period of time as justice and  
21 equity require, or adjust the obligation to preserve the interests of  
22 all parties.

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

26 (d) A person violating any provision of this section is guilty of  
27 a misdemeanor, and shall be punishable by imprisonment not to  
28 exceed one year or by a fine not to exceed one thousand dollars  
29 (\$1,000), or both.

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

32 409.2. (a) This section shall apply when any taxes or  
33 assessments, whether general or special, other than taxes on  
34 income, whether falling due prior to or during ~~his or her~~ *their* most  
35 current period of military service, in respect of personal property,  
36 money, or credits, or real property owned and occupied for  
37 dwelling, professional, business, or agricultural purposes by a  
38 service member or ~~his or her~~ *their* dependents at the  
39 commencement of the service member's most current period of

1 military service and still so occupied by the service member's  
2 dependents or employees are not paid.

3 (b) ~~No sale~~ Sale of this property shall *not* be made to enforce  
4 the collection of any tax or assessment, or any proceeding or action  
5 commenced for that purpose, except upon leave of court granted  
6 upon application made therefor by the collector of taxes or other  
7 officer whose duty it is to enforce the collection of taxes or  
8 assessments. The court thereupon, unless in its opinion the ability  
9 of the service member to pay the taxes or assessments is not  
10 materially affected by reason of that service, may stay the  
11 proceedings or sale, as provided in this section, for a period  
12 extending not more than six months after the termination of the  
13 most current period of military service.

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

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

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

26 409.6. The collection from any service member of any tax on  
27 the income of the person, whether falling due prior to or during  
28 ~~his or her~~ *their* period of military service, shall be deferred for a  
29 period extending not more than six months after the termination  
30 of ~~his or her~~ *their* period of military service if the person's ability  
31 to pay the tax is materially impaired by reason of the service. ~~No~~  
32 ~~interest~~ *Interest* on any amount of tax, collection of which is  
33 deferred for any period under this chapter, and ~~no~~ penalty for  
34 nonpayment of the amount during that period, shall *not* accrue for  
35 any period of deferment by reason of that nonpayment. The running  
36 of any statute of limitations against the collection of any tax by  
37 distraint or otherwise shall be suspended for the period of military  
38 service of any individual the collection of whose tax is deferred  
39 under this section, and for an additional period of nine months  
40 beginning with the day following the period of military service.

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

3     409.8. (a) In any proceeding under this chapter, a certificate  
4     signed by an appropriately authorized officer of the military  
5     department, branch, or unit in which a service member is serving  
6     shall be prima facie evidence as to any of the following facts stated  
7     in that certificate:

8     (1) That a person named has not been, ~~or~~ is, or has been in the  
9     military service.

10    (2) The time when and the place where the person entered  
11    military service.

12    (3) The person's residence at that time, and the rank, branch,  
13    and unit of the service that the person entered.

14    (4) The dates within which the person was in the military  
15    service.

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

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

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

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

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

35    409.13. (a) To the extent permitted by federal law and the  
36    California Constitution, any principal and interest on any financial  
37    obligation or liability bearing interest and incurred by a member  
38    of the California National Guard or ~~his or her~~ *their* surviving  
39    spouse, or any principal and interest on any financial obligation  
40    or liability bearing interest incurred by a member of the California

1 National Guard for which the beneficiary of that member is liable,  
2 shall be deferred for a period of six months after the death of the  
3 member without penalty or accrual of any additional interest.

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

6 (1) “Interest” includes service charges, renewal charges, fees,  
7 or any other charges with respect to any obligation or liability.

8 (2) “Beneficiary” means a beneficiary of the deceased member  
9 of the California National Guard who is or has become, after the  
10 member’s death, liable for any of the member’s financial  
11 obligations or liabilities bearing interest.

12 (c) This section shall only apply:

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

15 (2) When a member’s surviving spouse or other beneficiary  
16 provides written notice of the death of the member to the financial  
17 institution to which ~~he or she is~~ *they are* liable and from which ~~he~~  
18 ~~or she is~~ *they are* requesting deferral of interest and payments as  
19 set forth in this section.

20 (3) To a financial obligation or liability bearing interest that  
21 was created between a private entity and a member of the California  
22 National Guard or ~~his or her~~ *their* surviving spouse, or to a financial  
23 obligation or liability bearing interest that was created between a  
24 private entity and a member of the National Guard for which the  
25 beneficiary of that member is liable, before that member’s entry  
26 into service.

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

29 416. ~~Where~~ *(a) When* the amount determined by a board, as  
30 provided in Section 415, as the value of lost, damaged, or destroyed  
31 property is charged to a person, it shall be deducted from any pay  
32 or allowance due or to become due to ~~him or her~~ *the person* from  
33 the state. Money due to the state for any reason, with or without  
34 the action of a board, from a member of the active militia, a  
35 member of the unorganized militia when called for active duty, or  
36 any civilian employee of the Office of the Adjutant General shall  
37 be deducted or withheld from any money due or to become due  
38 that member or civilian employee from the state, including any  
39 pay and allowances payable pursuant to Article 1 (commencing  
40 with Section 320) of Chapter 5 of Part 1 of Division 2. ~~Where~~

1 *When* the amount is charged to a command, it shall be deducted  
2 one-half in successive calendar years from any allowance or money  
3 due or to become due to it from the state, except that on the  
4 disbandment of a command any indebtedness then existing and  
5 any indebtedness as may be charged to it upon a final settlement  
6 of property accounts shall, as soon as determined, be paid out of  
7 its military funds or unexpended appropriations.

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

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

18 502. Upon recommendation of the governing board having  
19 jurisdiction over the college, community college, or school, the  
20 Adjutant General may appoint officers, warrant officers, and  
21 noncommissioned officers in the California Cadet Corps for duty  
22 as commandants of cadets or assistant commandants of cadets in  
23 each college, community college, or school under the jurisdiction  
24 of the governing board. Except when ordered to state active duty  
25 by the Governor, the officers, warrant officers, and  
26 noncommissioned officers shall be under the immediate control  
27 and jurisdiction of the governing board of the college, community  
28 college, or school at which they are on duty, and pay, allowances,  
29 and expenses shall be disbursed from funds appropriated for the  
30 maintenance and operations of the college, community college, or  
31 school where they serve. Each officer, warrant officer, and  
32 noncommissioned officer shall hold ~~his or her~~ *their* appointment  
33 at the pleasure of the governing board, or until a successor has  
34 been appointed and qualified, or ~~his or her~~ *their* affiliation with  
35 the California Cadet Corps is severed.

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

38 520. (a) Any executive officer, assistant executive officer,  
39 regional advisor, or officer, warrant officer, or noncommissioned  
40 officer appointed or detailed pursuant to Sections 502, 502.1, 512,

1 513, 515, or 516.1, who is wounded, injured, disabled, or killed  
2 in the performance of ordered duty shall be entitled to receive  
3 compensation from the state in accordance with the provisions of  
4 Division 4 (commencing with Section 3200) of the Labor Code.  
5 In all such cases, these individuals shall be deemed to be employees  
6 of the state. The compensation for any such individual shall be  
7 ascertained, determined, and fixed upon the basis of ~~his or her~~  
8 *their* average income from all sources during the year immediately  
9 preceding the date of ~~such~~ *the* injury or death, or the  
10 commencement of ~~such~~ *the* disability, but ~~such~~ compensation shall  
11 ~~in no case~~ *not* exceed the maximum prescribed in Division 4  
12 (commencing with Section 3200) of the Labor Code.

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

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

23 530. In any military academy, having not less than 80 students,  
24 uniformed, drilled, and instructed in strict accordance with the  
25 tactics of the regular United States Army, and in which the  
26 instruction is conducted in accordance with military principles,  
27 the military instructor or instructors or professors of military  
28 science and tactics of ~~such~~ *the* academy regularly elected or  
29 appointed by the board of trustees or other lawful authority of the  
30 academy, may be commissioned in the California Cadet Corps  
31 with the rank of major or lower rank. Such officers shall *not*  
32 exercise ~~no~~ authority or command except as military instructor or  
33 instructors or professors of military science and tactics of such  
34 academy. ~~Such~~ *The* commissions shall be granted and may be  
35 revoked by the Adjutant General, under such rules and regulations  
36 as ~~he or she~~ *they* may prescribe.

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

39 552. (a) Officers and warrant officers of the forces herein  
40 authorized on active duty in the service of the state shall receive

1 the same pay and allowances as officers of similar grade in the  
2 Army of the United States.

3 ~~An~~

4 (b) *An* officer, warrant officer or enlisted person of the forces  
5 herein authorized may, with ~~his or her~~ *their* consent, be detailed  
6 for duty and may be paid compensation in any grade lower than  
7 the officer, warrant officer, or enlisted person actually holds;  
8 provided, the officer, warrant officer or enlisted person voluntarily  
9 waives all compensation in excess of the lower grade in which ~~he~~  
10 ~~or she is~~ *they are* detailed to duty.

11 ~~Whenever~~

12 (c) *When* an officer or warrant officer of the forces herein  
13 authorized is detailed for special duty in any matter relating to  
14 those forces, by order of the Governor, ~~he or she~~ *they* shall be  
15 allowed the same pay and allowances as officers or warrant officers  
16 of similar grade in the Army of the United States and actual  
17 traveling expenses. An enlisted person similarly detailed shall be  
18 allowed the same pay and allowances as enlisted persons of similar  
19 grade in the Army of the United States and actual traveling  
20 expenses, except that family allowances shall not be allowed those  
21 enlisted persons. An officer, warrant officer or enlisted person of  
22 the forces herein authorized may, with ~~his or her~~ *their* consent, be  
23 detailed for special duty without expense to the state, except and  
24 provided, however, ~~he or she~~ *they* may be paid ~~his or her~~ *their*  
25 actual traveling expenses.

26 ~~In~~

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

32 ~~All~~

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

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

38 554. (a) For the use of the State Guard, the Governor may  
39 submit requisitions to the United States Secretary of Defense for  
40 any arms and equipment in the possession of and excess to or not

1 required by the Department of the Army or allotted or available  
2 to the State Guard. The Governor may provide arms and equipment  
3 to the State Guard ~~which~~ *that* are not furnished by the Department  
4 of the Army and are required in the defense of the state. The  
5 Governor may make available to the State Guard armories and  
6 other state premises, property, supplies, and equipment as may be  
7 available.

8 (b) The members of the State Guard ~~may be male or female and~~  
9 are members of the state militia for purposes of this code.

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

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

18 555. Such forces shall not be required to serve outside the  
19 boundaries of this ~~State~~ *state* except:

20 (a) Upon the request of the Governor of another state, the  
21 Governor of this ~~State~~ *state* may, in ~~his~~ *their* discretion, order any  
22 portion or all of such forces as may be then in actual service to  
23 assist the military or police forces of ~~such~~ *the* other state who are  
24 actually engaged in defending ~~such~~ *the* other state. ~~Such~~ *These*  
25 forces may be recalled by the Governor at ~~his~~ *their* discretion.

26 (b) Any organization, ~~unit~~ *unit*, or detachment of ~~such~~ forces  
27 upon order of the officer in immediate command thereof, may  
28 continue in fresh pursuit of insurrectionists, saboteurs, enemies or  
29 enemy forces beyond the borders of this ~~State~~ *state* into another  
30 state until they are apprehended or captured by such organization,  
31 unit, or detachment or until the military or police forces of the  
32 other state or the forces of the United States have had reasonable  
33 opportunity to take up the pursuit or to apprehend or capture such  
34 persons if ~~such~~ *the* other state shall have given authority by law  
35 for ~~such~~ *the* pursuit by such forces of this ~~State~~ *state*. Any ~~such~~  
36 person who ~~shall be~~ *is* apprehended or captured in ~~such~~ *other*  
37 *another* state by an organization, ~~unit~~ *unit*, or detachment of the  
38 forces of this ~~State~~ *state* shall without unnecessary delay be  
39 surrendered to the military or police forces of the state in which  
40 ~~he or she is~~ *they are* taken or to the United States. ~~Such~~ *This*

1 surrender shall not constitute a waiver by this ~~State~~ *state* of its  
 2 rights to extradite or prosecute ~~such~~ *the* person for any crime  
 3 committed in this ~~State~~. *state*.

4 (c) Pursuant to the provisions of the National Defense Act of  
 5 1916, as amended, and such amendments as may be made thereto  
 6 hereafter.

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

9 557. ~~No~~ *(a)* A person ~~shall~~, *shall not*, by reason of ~~his or her~~  
 10 *their* enlistment or commission in any such forces, be exempted  
 11 from military service under any law of the United States.

12 ~~Sections~~

13 *(b)* Section 230 and Sections 232 to 237, inclusive, apply to  
 14 commissioned ~~officers~~; *officers*. Section 225 applies to warrant  
 15 ~~officers~~; *and officers*. Sections 252, 253, 254 and 260, except  
 16 subdivision (b) of Section ~~260~~ *260*, apply to enlisted personnel of  
 17 the forces authorized herein. However, ~~no provision of~~ this code  
 18 shall *not* prevent the transfer, by order of the Governor, at any  
 19 time, of any member of those forces to a reserve list created in the  
 20 office of the Commanding General of the State Military Forces.

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

23 559. ~~No~~ *A* person shall *not* be commissioned or enlisted in such  
 24 forces who is not a citizen of the United States or who has not  
 25 declared ~~his or her~~ *their* intention to become ~~such~~ *a* citizen or who  
 26 has been expelled or dishonorably discharged from any military  
 27 or naval organization of this ~~State~~; *state*, or of another state, or of  
 28 the United States.

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

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

38 (b) ~~No~~ *An* officer or enlisted person of the State Guard ~~may~~  
 39 *shall not* be arrested on any warrant, except for treason or a felony,  
 40 while going to, remaining at, or returning from a place the person

1 is ordered to attend for military duty. Every officer and enlisted  
2 person of the State ~~Guard is, during their service,~~ *Guard, while*  
3 *on active military orders, is exempt from service upon any posse*  
4 *comitatus and from jury duty.*

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

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

12 ~~No~~

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

17 ~~A~~

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

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

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

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

30 642.1. (a) The Order of California may be presented to an  
31 officer or enlisted member of the National Guard or Naval Militia  
32 who has distinguished ~~himself or herself~~ *themselves* by exceptionally  
33 meritorious conduct in the performance of outstanding service to  
34 the state or the United States in a position of great responsibility.  
35 The performance of duty shall have been such as to merit  
36 recognition of service rendered in a clearly exceptional manner  
37 within the scope of a special requirement or of an extremely  
38 difficult duty performed in a clearly outstanding manner.  
39 Performance of duties normal to the grade and branch, specialty  
40 or assignment, and experience of an individual is not an adequate

1 basis for this decoration, except that justification of the award may  
2 accrue by virtue of outstanding meritorious service in a succession  
3 of important positions.

4 ~~The~~

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

12 ~~The~~

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

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

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

27 ~~The~~

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

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

33 807. (a) The holder of a loan or retail installment sales contract  
34 with respect to which the debtor has purchased prepaid credit  
35 disability insurance shall give notice to the debtor not less than 30  
36 days before the expiration date of the insurance that the debtor  
37 will not be protected during the period between that expiration  
38 date and the deferred maturity date of the loan or contract unless  
39 the insurance is extended. The debtor may, at ~~his or her~~ *their*

1 option, direct the holder to add the amount of the additional  
2 premium to the unpaid balance of the loan or contract.

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

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

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

18 (b) This chapter applies only to an obligation specified in this  
19 chapter that was incurred prior to the date that a reservist was  
20 called to ~~his or her~~ *their* current period of active duty.

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

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

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

35 (1) The institution shall make arrangements to reasonably  
36 accommodate and assist the student so that ~~he or she is~~ *they are*  
37 able to meet any and all coursework requirements that ~~he or she~~  
38 *they* may have missed due to military service.

39 (2) The institution shall refund the tuition and fees paid by the  
40 student for the academic term in which the student is required to

1 report for military service regardless of whether the student was  
2 called to military service before the academic term had commenced  
3 or after the academic term had commenced. The refund shall equal  
4 100 percent of the tuition and fee charges the student paid the  
5 institution for the applicable academic term.

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

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

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

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

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

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

34 (b) A qualified customer may apply for shutoff protection for  
35 utility service by notifying the service provider that ~~he or she is~~  
36 *they are* in need of assistance because of a reduction in household  
37 income as the result of a member of a qualified household being  
38 called to active duty status in the military.

39 (c) Notification of the need for assistance shall be submitted in  
40 writing and accompanied by a copy of the activation or deployment

1 order of a service member that specifies the duration of the active  
2 duty status. The written notification shall also include  
3 self-certification that the qualified household of the qualified  
4 customer will be occupied by the qualified customer's legal  
5 dependent or dependents during the duration of the shutoff  
6 protection period.

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

10 (e) If the qualified customer moves out of the residence that is  
11 receiving shutoff protection, ~~he or she~~ *they* shall provide the service  
12 provider a written notice that includes the date of service  
13 termination and a forwarding address.

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

18 (g) All service providers shall do the following:

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

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

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

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

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

35 (k) For purposes of this section:

36 (1) "Service provider" means a provider of utility services,  
37 including, but not limited to, public utilities that are subject to the  
38 jurisdiction of the Public Utilities Commission, local publicly  
39 owned electric utilities, as defined by Section 224.3 of the Public  
40 Utilities Code, and public water, sewer, or solid waste collection

1 services, or any combination thereof. “Service provider” does not  
2 include any corporation described in subdivision (a) of Section  
3 234 of the Public Utilities Code.

4 (2) “Qualified customer” means the customer of record of a  
5 qualified household.

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

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

14 890.3. (a) (1) Notwithstanding any other law, on or after  
15 January 1, 2001, a claimant is not ineligible for a disabled veterans’  
16 benefit for lack of certification of disability of the veteran with  
17 respect to whom the benefit is sought, if there is a currently pending  
18 application to the United States Department of Veterans Affairs  
19 (USDVA) for certification of disability for that veteran and the  
20 subsequently received certification qualifies the veteran for the  
21 benefit. An entity of state government, or any political subdivision  
22 thereof, to which a claim for a disabled veterans’ benefit is made,  
23 shall require the claimant to provide written verification that an  
24 application had been pending with the USDVA at the time the  
25 claim for the disabled veterans’ benefit is submitted.

26 (2) For purposes of this subdivision, “disabled veterans benefit”  
27 means an exemption, privilege, service, or other legal benefit that  
28 is provided pursuant to law by the state, or a political subdivision  
29 thereof, exclusively to a disabled veteran, or ~~his or her~~ *their*  
30 surviving spouse, parent, or child.

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

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

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

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

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

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

13 (b) Any dependent of a veteran who has attained eligibility  
14 pursuant to this article while under 21 years of age may continue  
15 to receive the benefits of this article until the needed training is  
16 completed or until ~~he or she attains the age of 27 years; they attain~~  
17 *27 years of age*, whatever first occurs.

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

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

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

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

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

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

39 944. ~~In the event~~ *When* a deceased veteran or a ~~widow surviving~~  
40 *spouse or domestic partner* of a veteran has been interred other

1 than by the person designated by the board of supervisors, the  
2 person so designated may pay the sum of three hundred fifty dollars  
3 (\$350) toward the burial expenses of the person who would have  
4 been entitled to interment by the person designated by the  
5 supervisors.

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

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

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

16 974.5. (a) The purpose of this section is to provide a  
17 mechanism to facilitate the delivery of complete, efficient,  
18 information and other services to veterans in a convenient setting.

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

33 (c) The veteran service center shall be staffed with persons  
34 knowledgeable in employment and veterans benefits issues, and  
35 shall contain all necessary resources, information, forms, and other  
36 materials necessary for a veteran to receive full employment  
37 assistance and a complete assessment of veterans benefits to which  
38 ~~he or she is~~ *they are* entitled.

39 (d) The Department of Veterans Affairs and the Department of  
40 Employment Development, after consulting with participating

1 counties, shall jointly report to the Legislature by January 1, 2002,  
2 regarding the progress of the program.

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

5 981.3. The amount expended on account of any one veteran  
6 under this article shall not exceed one thousand two hundred dollars  
7 (\$1,200). Eligibility for benefits conferred under this article shall  
8 not be granted if either the student has not exhausted ~~his or her~~  
9 *their* rights to educational benefits afforded by the United States  
10 Department of Veterans Affairs, or four years have elapsed from  
11 termination of educational benefits afforded by the United States  
12 Department of Veterans Affairs.

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

15 987.58. (a) If a veteran dies after filing an application for  
16 purchase of a farm or a home, and the veteran's eligibility and  
17 qualifications are subsequently approved, the veteran's surviving  
18 spouse may, in the discretion of the department, succeed to the  
19 veteran's rights under the application, and may succeed to the  
20 veteran's rights, privileges, and benefits under this article. The  
21 contract of purchase which the department otherwise would have  
22 made with the deceased veteran may be made with the surviving  
23 spouse.

24 (b) If a person was a member of the Armed Forces on active  
25 military duty, entered active duty while in the State of California  
26 and lived in this state for six months immediately preceding entry  
27 into active duty, and was killed in the line of duty while on active  
28 duty or died after discharge from active duty from injuries incurred  
29 in the line of duty while on active duty, that person is a veteran  
30 for purposes of this article, and ~~his or her~~ *their* unremarried  
31 surviving spouse may file an application, is entitled to the same  
32 rights, privileges, and benefits for which the Armed Forces member  
33 would have been eligible, and may contract with the department  
34 pursuant to subdivision (a). In making a determination of eligibility  
35 under this subdivision, the department may base its determination  
36 on documentation furnished to the surviving spouse by the United  
37 States Department of Veterans Affairs specifying the cause of  
38 death of the Armed Forces member.

39 (c) If a member of the Armed Forces entered active military  
40 duty while in the State of California, lived in this state for six

1 months or more immediately preceding entry into active duty, and  
2 is being held as a prisoner of war or has been designated by the  
3 Armed Forces as missing in action, that person is a veteran for  
4 purposes of this article, and ~~his or her~~ *their* spouse may file an  
5 application, is entitled to the same rights, privileges, and benefits,  
6 and may contract with the department pursuant to subdivision (a).

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

9 987.69. (a) The department shall then enter into a contract  
10 with the veteran for the sale of the property to the veteran. The  
11 department shall fix the selling price of the property as the purchase  
12 price thereof, as the total cost of improvements constructed, or as  
13 the value of the property, as determined by the department when  
14 the property is acquired by the department in a manner other than  
15 by purchase, to which the department may add all expenses  
16 incurred and estimated to be incurred by the department in relation  
17 thereto, inclusive of interest, administration, appraisals,  
18 examination of title, insurance premiums, mortgage guaranty fees,  
19 origination fees, incidental expenses, and the sum deemed  
20 necessary to meet unforeseen contingencies. In the case of real  
21 property acquired for the purpose of constructing improvements  
22 thereon, the department shall forthwith after acquiring that real  
23 property enter into the contract with the veteran authorized by this  
24 section at a selling price that does not exceed the department's  
25 appraised value of the land, if the loan is to include the value of  
26 the land, and the amount of the department's appraised value of  
27 the improvements to be constructed thereon and any of the other  
28 additions herein authorized. After the execution of the contract  
29 between the veteran and the department and the making of the  
30 initial payment thereon the department shall be authorized to pay  
31 the cost of the improvements contracted to be constructed on the  
32 real property, making progress payments thereon in the amounts  
33 and at those times that the department approves. The department  
34 shall, upon written request of the veteran and ~~his or her~~ *the*  
35 *veteran's* contractor, have authority to approve additions to or  
36 deletions from the improvements contracted to be constructed and  
37 any savings affected or added cost incurred shall be deducted from  
38 or added to the amount due the department by the veteran under  
39 the terms of ~~his or her~~ *their* contract.

40 ~~The~~

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

5 ~~Where~~

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

9 (a)

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

16 (b)

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

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

24 987.74. (a) (1) All properties purchased by the department  
25 shall be covered by insurance. Except as set forth in regulations  
26 adopted by the department pursuant to Section 987.93 in lieu of,  
27 or in addition to, the provisions of this subdivision, with respect  
28 to cooperative dwelling units, insurance purchased by the  
29 department shall be guaranteed replacement cost coverage as  
30 described in subdivisions (e) and (f) of Section 10102 of the  
31 Insurance Code against fire and other hazards for the full  
32 replacement cost of the improvements or structures, shall include  
33 limited building code upgrade as described in Section 10103 of  
34 the Insurance Code, and shall be placed with a company or  
35 companies as the department may determine from time to time.

36 ~~The~~

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

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

13 (c) Upon renewal, the department shall assist the purchaser in  
14 determining the insurance level necessary to repair or replace the  
15 damaged or destroyed dwelling with like or equivalent construction  
16 and in determining how best to purchase additional coverage, if  
17 desired. The purchaser shall be solely responsible for requesting  
18 in writing and maintaining any additional amounts of insurance  
19 necessary to protect ~~his or her~~ *their* interest in the property, and  
20 shall bear the risk of any loss in excess of the amount of insurance  
21 in force at the time of the loss.

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

- 27 (1) The limits of liability for the structure and improvements.
- 28 (2) The amount of any deductibles.
- 29 (3) Whether the policy covers the increased costs due to changes  
30 in building ordinances or laws regulating construction or repair.
- 31 (4) A statement explaining the importance of having guaranteed  
32 replacement cost coverage.
- 33 (5) A statement that the policy provided by the department  
34 provides limited building code upgrade coverage and the applicable  
35 limits and restrictions to that coverage.

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

38 *987.77. In the event of a failure of* ~~*If*~~ *a purchaser fails to comply*  
39 *with any of the terms of his or her* ~~*their*~~ *contract of purchase, the*  
40 *department may cancel such the contract, and thereupon be released*

1 from all obligations, at law or in equity, to convey the property,  
2 and the purchaser shall forfeit all right thereto. All payments  
3 ~~thereof~~ *previously* made shall be deemed to be rental paid for  
4 occupancy. Upon ~~such~~ forfeiture, the department shall take  
5 possession of the property covered by ~~such~~ *the* contract, and shall  
6 remove all persons and personal property therefrom without any  
7 liability ~~whatsoever~~ on the part of the department or of any official  
8 or employee thereof for any damage or injury caused by or incident  
9 to the entry or removal. The failure of the department to exercise  
10 any option to cancel or to exercise any other privilege under ~~such~~  
11 *the* contract for any default shall not constitute a waiver of the  
12 right to exercise ~~such~~ *the* option or privilege for any other default  
13 on the part of the purchaser. The department shall allow a stock  
14 cooperative, as defined in ~~subdivision (m) of Section 1351~~ *Section*  
15 *4190* of the Civil Code, the opportunity to cure any failure by a  
16 purchaser described in this section.

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

19 987.79. (a) Except as otherwise provided in subdivision (b),  
20 the department may, in the contract of purchase with a veteran,  
21 provide that, in the event of default by the veteran and forfeiture  
22 of ~~his or her~~ *their* rights under the contract and subsequent sale of  
23 the property by the department, it may pay to the veteran any net  
24 gain realized by the department upon the sale. The department is  
25 the sole judge of the net gain.

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

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

32 988.2. (a) For purposes of this section, “purchaser” has the  
33 same definition as provided in Section 987.53.

34 (b) Out of any money available in the Veterans’ Farm and Home  
35 Building Fund of 1943, the department may advance to any  
36 purchaser upon ~~his or her~~ *their* application, and under the policies  
37 as the department may, from time to time, prescribe, sums for the  
38 purpose of paying taxes and assessments, or making permanent  
39 improvements, including permanent improvements for the purpose  
40 of increasing farm productivity, or for keeping in good order or

1 repair, or for painting, redecorating, or remodeling, all buildings,  
2 fences, or other permanent improvements on, or the insuring  
3 against fire or other hazards, any building, fence, or other  
4 permanent improvement, or crops on the property being purchased  
5 from the department, or the department may advance to the  
6 purchaser moneys actually expended in so doing.

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

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

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

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

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

26 988.4. (a) For purposes of this section, "purchaser" includes  
27 any veteran whose only loan with the department is for the purpose  
28 of a home improvement on property that is the principal place of  
29 residence of the veteran.

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

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

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

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

6 996.979. ~~So long as any~~ While bonds authorized under this  
7 article ~~may be~~ are outstanding, the ~~Director~~ Secretary of Veterans  
8 Affairs shall cause to be made at the close of each fiscal year, a  
9 survey of the financial condition of the Division of Farm and Home  
10 Purchases, together with a projection of the division's operations,  
11 that survey to be made by an independent public accountant of  
12 recognized standing. The results of the surveys and projections  
13 shall be set forth in written reports and the independent public  
14 accountant shall forward copies of the reports to the ~~Director~~  
15 Secretary of Veterans Affairs, the members of the California  
16 Veterans Board, or, if that board is redesignated by the Legislature  
17 as the California Veterans Advisory Board, the members of the  
18 California Veterans Advisory Board, the appropriate policy  
19 committees dealing with veterans affairs in the Senate and the  
20 Assembly, and to the members of the Veterans' Finance Committee  
21 of 1943. The Division of Farm and Home Purchases shall  
22 reimburse the independent public accountant for ~~his or her~~ *their*  
23 services out of any funds that the division may have available on  
24 deposit with the Treasurer of the State of California.

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

27 996.993. ~~So long as any~~ While bonds authorized under this  
28 article ~~may be~~ are outstanding, the ~~Director~~ Secretary of Veterans  
29 Affairs shall cause to be made at the close of each fiscal year, a  
30 survey of the financial condition of the Division of Farm and Home  
31 Purchases, together with a projection of the division's operations,  
32 that survey to be made by an independent public accountant of  
33 recognized standing. The results of the surveys and projections  
34 shall be set forth in written reports and the independent public  
35 accountant shall forward copies of the reports to the ~~Director~~  
36 Secretary of Veterans Affairs, the members of the California  
37 Veterans Board, the appropriate policy committees dealing with  
38 veterans affairs in the Senate and the Assembly, and to the  
39 members of the Veterans' Finance Committee of 1943. The  
40 Division of Farm and Home Purchases shall reimburse the

1 independent public accountant for ~~his or her~~ *their* services out of  
2 any funds that the division may have available on deposit with the  
3 Treasurer of the State of California.

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

6 997.009. ~~So long as any~~ While bonds authorized under this  
7 article ~~may be~~ *are* outstanding, the ~~Director~~ *Secretary* of Veterans  
8 Affairs shall cause to be made at the close of each fiscal year, a  
9 survey of the financial condition of the Division of Farm and Home  
10 Purchases, together with a projection of the division's operations,  
11 that survey to be made by an independent public accountant of  
12 recognized standing. The results of the surveys and projections  
13 shall be set forth in written reports and the independent public  
14 accountant shall forward copies of the reports to the ~~Director~~  
15 *Secretary* of Veterans Affairs, the members of the California  
16 Veterans Board, the appropriate policy committees dealing with  
17 veterans affairs in the Senate and the Assembly, and to the  
18 members of the Veterans' Finance Committee of 1943. The  
19 Division of Farm and Home Purchases shall reimburse the  
20 independent public accountant for ~~his or her~~ *their* services out of  
21 any funds that the division may have available on deposit with the  
22 Treasurer of the State of California.

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

25 998.009. ~~So long as any~~ While bonds authorized under this  
26 article ~~may be~~ *are* outstanding, the ~~Director~~ *Secretary* of Veterans  
27 Affairs shall cause to be made at the close of each fiscal year, a  
28 survey of the financial condition of the Division of Farm and Home  
29 Purchases, together with a projection of the division's operations,  
30 that survey to be made by an independent public accountant of  
31 recognized standing. The results of the surveys and projections  
32 shall be set forth in written reports and the independent public  
33 accountant shall forward copies of the reports to the ~~Director~~  
34 *Secretary* of Veterans Affairs, the members of the California  
35 Veterans Board, the appropriate policy committees dealing with  
36 veterans affairs in the Senate and the Assembly, and to the  
37 members of the Veterans' Finance Committee of 1943. The  
38 Division of Farm and Home Purchases shall reimburse the  
39 independent public accountant for ~~his or her~~ *their* services out of

1 any funds that the division may have available on deposit with the  
2 Treasurer of the State of California.

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

5 998.029. ~~So long as any~~ While bonds authorized under this  
6 article ~~may be~~ are outstanding, the ~~Director~~ Secretary of Veterans  
7 Affairs shall cause to be made at the close of each fiscal year, a  
8 survey of the financial condition of the Division of Farm and Home  
9 Purchases, together with a projection of the division's operations,  
10 that survey to be made by an independent public accountant of  
11 recognized standing. The results of the surveys and projections  
12 shall be set forth in written reports, and the independent public  
13 accountant shall forward copies of the reports to the ~~Director~~  
14 Secretary of Veterans Affairs, the members of the California  
15 Veterans Board, the appropriate policy committees dealing with  
16 veterans affairs in the Senate and the Assembly, and to the  
17 members of the Veterans' Finance Committee of 1943. The  
18 Division of Farm and Home Purchases shall reimburse the  
19 independent public accountant for ~~his or her~~ their services out of  
20 any funds that the division may have available on deposit with the  
21 Treasurer of the State of California.

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

24 998.049. ~~So long as any~~ While bonds authorized under this  
25 article ~~may be~~ are outstanding, the ~~Director~~ Secretary of Veterans  
26 Affairs shall cause to be made at the close of each fiscal year, a  
27 survey of the financial condition of the Division of Farm and Home  
28 Purchases, together with a projection of the division's operations,  
29 that survey to be made by an independent public accountant of  
30 recognized standing. The results of the surveys and projections  
31 shall be set forth in written reports, and the independent public  
32 accountant shall forward copies of the reports to the ~~Director~~  
33 Secretary of Veterans Affairs, the members of the California  
34 Veterans Board, the appropriate policy committees dealing with  
35 veterans affairs in the Senate and the Assembly, and to the  
36 members of the Veterans' Finance Committee of 1943. The  
37 Division of Farm and Home Purchases shall reimburse the  
38 independent public accountant for ~~his or her~~ their services out of  
39 any funds that the division may have available on deposit with the  
40 Treasurer of the State of California.

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

3     998.060. ~~So long as any~~ While bonds authorized under this  
4 article ~~may be~~ *are* outstanding, the ~~Director~~ Secretary of Veterans  
5 Affairs shall cause to be made at the close of each fiscal year, a  
6 survey of the financial condition of the Division of Farm and Home  
7 Purchases, together with a projection of the division's operations,  
8 that survey to be made by an independent public accountant of  
9 recognized standing. The results of the surveys and projections  
10 shall be set forth in written reports, and the independent public  
11 accountant shall forward copies of the reports to the ~~Director~~  
12 Secretary of Veterans Affairs, the members of the California  
13 Veterans Board, the appropriate policy committees dealing with  
14 veterans affairs in the Senate and the Assembly, and to the  
15 members of the Veterans' Finance Committee of 1943. The  
16 Division of Farm and Home Purchases shall reimburse the  
17 independent public accountant for ~~his or her~~ *their* services out of  
18 any funds that the division may have available on deposit with the  
19 Treasurer of the State of California.

20     *SEC. 90. Section 999.2 of the Military and Veterans Code is*  
21     *amended to read:*

22     999.2. (a) Notwithstanding any other ~~provision of~~ law,  
23 contracts awarded by any state agency, department, officer, or  
24 other state governmental entity, including school districts when  
25 they are expending state funds for construction, professional  
26 services (except those subject to Chapter 6 (commencing with  
27 Section 16850) of Part 3 of Division 4 of Title 2 of the Government  
28 Code), materials, supplies, equipment, alteration, repair, or  
29 improvement shall have statewide participation goals of not less  
30 than 3 percent for disabled veteran business enterprises. These  
31 goals apply to the overall dollar amount expended each year by  
32 the awarding department.

33     (b) For purposes of this section:

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

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

5 (3) “Equipment broker” means any broker or agent who rents  
6 equipment to an awarding department.

7 (c) A disabled veteran business enterprise that rents equipment  
8 to an awarding department shall be deemed to be an equipment  
9 broker unless one or more disabled veterans has 51-percent  
10 ownership of the quantity and the value of each piece of equipment.  
11 If the equipment is owned by one or more disabled veterans, each  
12 disabled veteran owner shall, prior to performance under any  
13 contract, submit to the awarding department a declaration signed  
14 by the disabled veteran owner stating that the owner is a disabled  
15 veteran and providing the name, address, telephone number, and  
16 tax identification number of the disabled veteran owner. Each  
17 disabled veteran owner shall submit ~~his or her~~ *their* federal income  
18 tax returns to the administering agency pursuant to subdivision (g)  
19 as if ~~he or she~~ *they* were a disabled veteran business enterprise.  
20 The disabled veteran business enterprise of a disabled veteran  
21 owner who fails to submit ~~his or her~~ *their* tax returns will be  
22 deemed to be an equipment broker.

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

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

36 (f) A disabled veteran business enterprise that is a broker or  
37 agent and that obtains a contract pursuant to subdivision (a) shall,  
38 prior to performing the contract, disclose to the awarding  
39 department that the business is a broker or agent. The disclosure  
40 shall be made in a declaration signed and executed by each disabled

1 veteran owner and manager of the enterprise, declaring that the  
2 enterprise is a broker or agent, and identifying the name, address,  
3 and telephone number of the principal for whom the enterprise is  
4 acting as a broker or agent.

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

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

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

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

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

34 *SEC. 91. Section 1012 of the Military and Veterans Code is*  
35 *amended to read:*

36 1012. (a) Except as provided in Sections 1012.4, 1023, and  
37 1023.1, veterans' homes are for aged or disabled persons who  
38 served in the Armed Forces of the United States of America who  
39 were discharged or released from active duty under conditions  
40 other than dishonorable, who are eligible for health care benefits,

1 hospitalization, or domiciliary care in a veterans' facility in  
2 accordance with the rules and regulations of the United States  
3 Department of Veterans Affairs, and who are bona fide residents  
4 of this state at the time of application; and for the spouses or  
5 domestic partners of these persons if all of the following conditions,  
6 as are applicable, are satisfied:

7 (1) Space is available.

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

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

16 (4) The home member and spouse or domestic partner agree to  
17 pay the fees and charges for joint residency, or for a ~~widow or~~  
18 ~~widower~~, *surviving spouse or domestic partner*, for the residency,  
19 that the department may establish.

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

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

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

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

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

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

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

5 *SEC. 92. Section 1035.6 of the Military and Veterans Code is*  
6 *amended to read:*

7 1035.6. (a) The administrator shall provide each member of  
8 a home with a quarterly statement or accounting of all charges for  
9 the costs of care rendered to the member in excess of the member  
10 fee, as defined in subdivision (b). The quarterly statement or  
11 accounting of charges shall include, in plain, straightforward  
12 language, avoiding technical terms as much as possible and using  
13 a coherent and easily readable style, all of the following:

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

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

20 (3) A statement that advises the member to seek counsel from  
21 a legal expert to protect ~~his or her~~ *their* assets.

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

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

32 *SEC. 93. Section 1035.7 of the Military and Veterans Code is*  
33 *amended to read:*

34 1035.7. (a) Upon admission to a home, the administrator of  
35 each home shall provide written notice to the member informing  
36 ~~him or her~~ *them* of costs of care that may be incurred in excess of  
37 the member contribution fee. The notification ~~shall:~~ *shall do all*  
38 *of the following:*

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

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

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

5 (4) Inform the member that ~~he or she~~ *they* will receive a  
6 quarterly accounting statement of the total excess costs of care,  
7 but that the statement is provided for informational purposes only.

8 (5) Inform the member that, if ~~he or she is~~ *they are* a resident  
9 of a home at the time of death, the home may disburse ~~his or her~~  
10 *their* moneys or personal property for payment of unreimbursed  
11 excess costs of care.

12 (6) Include a statement advising the member to seek counsel  
13 from a legal expert to protect ~~his or her~~ *their* assets.

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

16 (b) The notification shall require the signature of the member  
17 that acknowledges that ~~he or she has~~ *they have* read and  
18 ~~understands~~ *understand* the notification.

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

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

26 *SEC. 94. Section 1038 of the Military and Veterans Code is*  
27 *amended to read:*

28 1038. All money deposited with a home for a member shall be  
29 paid to ~~him or her~~ *the member*, on demand, upon ~~his or her~~ *their*  
30 discharge or voluntary departure from the home. If the money is  
31 not ~~so~~ demanded at the time of ~~his or her~~ discharge or departure  
32 or within a period of two years thereafter, if the amount does not  
33 exceed five thousand dollars (\$5,000), or within a period of five  
34 years thereafter, if the amount exceeds five thousand dollars  
35 (\$5,000) either by the member, or, in the event of the member’s  
36 death after ~~his or her~~ discharge or departure, by the member’s  
37 heirs, devisees, legatees, or qualified executor or administrator of  
38 ~~his or her~~ *their* estate, the money shall be paid to the Morale,  
39 Welfare, and Recreation Fund.

1 SEC. 95. Section 1038.1 of the Military and Veterans Code is  
2 amended to read:

3 1038.1. All personal property other than money left at a home  
4 by a member at the time of ~~his or her~~ *their* discharge or voluntary  
5 departure therefrom, unclaimed within a period of one year, either  
6 by the member or, in the event of ~~his or her~~ *their* decease after ~~his~~  
7 ~~or her~~ *their* discharge or departure, by ~~his or her~~ *their* heirs,  
8 devisees, legatees, or qualified executor or administrator of ~~his or~~  
9 ~~her~~ *their* estate, shall be sold in the manner described in Section  
10 1035.4 and the proceeds paid to the Morale, Welfare, and  
11 Recreation Fund.

12 SEC. 96. Section 1038.5 of the Military and Veterans Code is  
13 amended to read:

14 1038.5. Any money deposited with a home by a member shall  
15 be credited with interest in compliance with applicable federal law  
16 and regulation, and shall be paid to the member or to ~~his or her~~  
17 *their* heirs, devisees, legatees, or the qualified executor or the  
18 administrator of ~~his or her~~ *their* estate pursuant to Section 1037 or  
19 Section 1038.

20 SEC. 97. Section 1042 of the Military and Veterans Code is  
21 amended to read:

22 1042. All accrued interest on money turned over to the  
23 administrator and retained by ~~him or her~~ *them* under this chapter  
24 shall be accounted for by the home and deposited to the credit of  
25 the Morale, Welfare, and Recreation Fund and used for the  
26 common benefit of members.

27 SEC. 98. Section 1051 of the Military and Veterans Code is  
28 amended to read:

29 1051. (a) On or before January 1, 2019, the department shall  
30 create a transparent admissions and waiting list process for  
31 admission to the homes.

32 (b) On or before January 1, 2019, the department shall create a  
33 page on its ~~Internet Web site~~ *internet website* that does all of the  
34 following:

35 (1) Explains the application and waiting list process developed  
36 in subdivision (a), including an explanation of the process, laws,  
37 and regulations pertaining to admission, the wait list, and  
38 continuum of care.

39 (2) Allows online submission of applications.

1 (3) Provides a reasonable level of information to applicants  
2 about the projected wait time at each home for various levels of  
3 care, enhancing applicant's ability to make long-term care planning  
4 decisions.

5 (4) Allows an applicant to check ~~his or her~~ *their* current wait  
6 list status and overall application status.

7 *SEC. 99. Section 1176 of the Military and Veterans Code is*  
8 *amended to read:*

9 1176. Within 30 days after the filing of the petition the county  
10 elections official shall find and certify whether the petition is signed  
11 by the requisite number of qualified registered voters of the  
12 proposed district and of the incorporated and unincorporated  
13 portions thereof and shall present the petition with the certificate  
14 of ~~his or her~~ *their* findings attached thereto to the board of  
15 supervisors at its first regular meeting held 10 days from the date  
16 of certification of the petition. The board shall fix a time and place  
17 for the hearing of the petition not less than 20 days nor more than  
18 40 days after the date of the meeting, and shall direct the clerk of  
19 the board to publish a notice once a week for three successive  
20 weeks in a newspaper circulated in the territory that it is proposed  
21 to organize into a district, and that the board deems most likely to  
22 give notice to the inhabitants of the territory.

23 *SEC. 100. Section 1255 of the Military and Veterans Code is*  
24 *amended to read:*

25 1255. Within 30 days after the filing of the petition the county  
26 elections official shall find and certify whether the petition is signed  
27 by the requisite number of qualified registered voters of the  
28 territory proposed to be annexed and of the incorporated and  
29 unincorporated portions thereof and shall present the petition with  
30 the certificate of ~~his or her~~ *their* findings attached thereto to the  
31 board of supervisors at its first regular meeting held 10 days from  
32 the date of certification of the petition. At the regular meeting the  
33 board shall ascertain whether the petition in all respects complies  
34 with the requirements therefor, except that the certificate shall be  
35 conclusive evidence of the sufficiency of the signatures to the  
36 petition. If the board finds that the petition complies with the  
37 requirements, it shall at the same regular meeting fix a time and  
38 place for the hearing of the petition not less than 20 days nor more  
39 than 40 days after the date of the meeting, and shall direct the clerk  
40 of the board to publish a notice once a week for three successive

1 weeks in a newspaper circulated in the territory that is proposed  
2 to be annexed, and that the board deems most likely to give notice  
3 to the inhabitants of the territory.

4 *SEC. 101. Section 1265 of the Military and Veterans Code is*  
5 *amended to read:*

6 1265. The board of supervisors of any county may sell real  
7 property contiguous to an existing cemetery which it acquired for  
8 the purposes of Section 1262 to the owners of a private cemetery  
9 upon terms and conditions mutually agreed upon, but which shall  
10 require the buyers to use ~~such~~ *that* property exclusively for the  
11 burial of veterans or ~~widows surviving spouses or domestic~~  
12 *partners* of veterans. Sections 25524 to ~~25537~~ 25537, inclusive,  
13 of the Government Code do not apply to a sale made pursuant to  
14 this section.

15 *SEC. 102. Section 1652 of the Military and Veterans Code is*  
16 *amended to read:*

17 1652. Any peace officer or any person employed as a security  
18 guard or in a supervisory capacity on premises posted pursuant to  
19 Section 1650 may stop any person found on the premises and may  
20 detain that person for the purpose of demanding ~~his or her~~ *their*  
21 name, address, and the reason for the person's presence. If the  
22 peace officer or employee has reason to believe that the person ~~so~~  
23 ~~interrogated~~ has no right to be on the premises, ~~he or she~~ *they* may  
24 arrest the person without a warrant on the charge of violating  
25 Section 1651.

26 *SEC. 103. Section 1690 of the Military and Veterans Code is*  
27 *amended to read:*

28 1690. Any elected officer of the ~~State~~ *state* who is called to  
29 serve with the armed forces of the United States has a right to  
30 return to and to ~~re-enter~~ *reenter* upon ~~his~~ *their* office after the  
31 termination of ~~his~~ *their* active service with the armed forces if the  
32 term for which ~~he is~~ *they are* elected has not expired.

33 *SEC. 104. Section 1691 of the Military and Veterans Code is*  
34 *amended to read:*

35 1691. Upon ~~his~~ *their* return and ~~re-entry~~ *reentry* or ~~his~~ *their*  
36 return to the office ~~he~~ *they* shall have all of the rights and privileges  
37 in, connected with, or arising out of, the office which ~~he~~ *they* would  
38 have enjoyed if ~~he~~ *they* had not been absent.

39 *SEC. 105. Section 1692 of the Military and Veterans Code is*  
40 *amended to read:*

1 1692. Any vacancy created by such absence may be filled by  
2 a temporary appointment, as provided by law, for a term not to  
3 extend beyond the time of the return and ~~re-entry~~ *reentry* to the  
4 office by ~~such~~ *the* absent person or beyond the term for which ~~he~~  
5 *is they are* elected.

6 *SEC. 106. Section 1693 of the Military and Veterans Code is*  
7 *amended to read:*

8 1693. If any such officer was required by law to file an oath  
9 of office or to execute a bond prior to ~~his~~ *their* original entry upon  
10 the duties of the office, ~~he~~ *they* shall file an oath and execute a  
11 bond in like manner and form prior to ~~his re-entry~~ *their reentry*  
12 upon the duties of the office.

13 *SEC. 107. Section 1820 of the Military and Veterans Code is*  
14 *amended to read:*

15 1820. (a) Any person who willfully wears or uses the badge,  
16 lapel button, rosette, or other recognized and estimable insignia  
17 of the veterans' organizations specified in subdivision (a) of  
18 Section 1800, unless ~~he or she~~ *is they are* entitled to wear or use  
19 it under the rules and regulations and with the express permission  
20 of the veterans' organizations specified in subdivision (a) of  
21 Section 1800, is guilty of a misdemeanor and is punishable for a  
22 first conviction by imprisonment for a term not to exceed 30 days  
23 in the county jail, or a fine not to exceed five hundred dollars  
24 (\$500), except that if the person has been previously convicted of  
25 a violation of this section, that conviction shall be specified in the  
26 accusation and if found to be true or admitted by the person, a  
27 second or succeeding violation of this section is punishable by  
28 imprisonment not to exceed six months in the county jail, or a fine  
29 not to exceed one thousand dollars (\$1,000), or both fine and  
30 imprisonment.

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

33 *SEC. 108. Section 1821 of the Military and Veterans Code is*  
34 *amended to read:*

35 1821. A person who falsely represents ~~himself or herself~~  
36 *themselves* in a manner specified in Section 532b of the Penal Code  
37 shall be guilty of a misdemeanor or infraction, as prescribed by  
38 Section 532b of the Penal Code.

39 *SEC. 109. Any section of any act enacted by the Legislature*  
40 *during the 2024 calendar year that takes effect on or before*

1 *January 1, 2025, and that amends, amends and rennumbers, adds,*  
2 *repeals and adds, or repeals a section that is amended, amended*  
3 *and renumbered, added, repealed and added, or repealed by*  
4 *Sections 1 to 29, inclusive, Sections 32 to 59, inclusive, or Sections*  
5 *61 to 108, inclusive, of this act, shall prevail over this act, whether*  
6 *that act is enacted before, or subsequent to, the enactment of this*  
7 *act.*

8 ~~SECTION 1. Section 973 of the Military and Veterans Code~~  
9 ~~is amended to read:~~

10 ~~973. The county veteran service officer shall have power to~~  
11 ~~administer and certify oaths and affirmations, take and certify~~  
12 ~~affidavits and acknowledgments, and exercise any other power of~~  
13 ~~a notary public, as a part of their duties under the provisions of~~  
14 ~~this chapter in assisting veterans with respect to their affairs. The~~  
15 ~~county veteran service officer shall not charge any fee for their~~  
16 ~~services.~~