

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 255

Introduced by Assembly Member Irwin
(Principal coauthor: Assembly Member Mathis)
(Coauthors: Assembly Members Brough and Brown)

February 9, 2015

An act to add *and repeal* Sections 73.5 and 73.6 to the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 255, as amended, Irwin. Veterans: Inspector General for Veterans Affairs.

Existing law establishes the Department of Veterans Affairs and designates the Secretary of Veterans Affairs as the chief administrative officer of the department. Existing law also establishes the California Veterans Board, and requires the board to advise the department and secretary on policies for operations of the department. Existing law provides for veterans programs, including the veterans farm and home purchase programs, and provides for veterans homes.

This bill would create the office of Inspector General for Veterans Affairs, who would be subject to the direction of the Governor, within the department. The bill would require the inspector general to be appointed by the Governor, subject to Senate confirmation. The inspector general would be responsible for reviewing the operations and financial condition of each California veterans home, each veterans farm and home purchase program, and all other veterans programs supported by the state. Beginning January 1, 2017, and each year after, the bill would require the inspector general to submit a report to the

board and the Legislature and make any recommendations he or she deems necessary for improving the operations of the veterans programs.

The bill would authorize the inspector general to receive communications from any individual who believes he or she may have information that warrants a review or investigation of a veterans program. The bill would authorize, and in some instances require, the inspector general to conduct a review or investigation. The bill would also require the establishment of a toll-free telephone number to report alleged wrongdoing regarding veterans programs.

The bill would repeal the provisions described above on January 1, 2020.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 73.5 is added to the Military and Veterans
2 Code, to read:
3 73.5. (a) (1) There is hereby created the office of Inspector
4 General for Veterans Affairs within the department.
5 (2) The inspector general shall be appointed by the Governor,
6 subject to Senate confirmation.
7 (3) (A) The inspector general shall be subject to the direction
8 of the Governor.
9 (B) The inspector general shall provide ongoing and independent
10 advice to the board regarding any issue that is being considered
11 by the board.
12 (b) The inspector general shall be responsible for all of the
13 following:
14 (1) Reviewing the operations and financial condition of each
15 California veterans home and veterans farm and home purchase
16 program. For the purposes of reviewing the operations of each
17 veterans home, the Veterans Home Allied Council and home
18 residents shall have unfettered access to the inspector general.

1 (2) Reviewing the operation and financial condition of all other
2 veterans programs supported by the ~~state~~ *state*, including, but not
3 limited to, county veterans service offices and veterans memorials.

4 (3) Investigating any allegations of department employee
5 misconduct and reporting any findings of misconduct directly to
6 the secretary, for further action that the secretary may deem
7 necessary.

8 (c) (1) The inspector general shall conduct a review or
9 investigation, as specified in subdivision (b), if requested to do so
10 by the Governor, any member of the board, or the secretary. In
11 addition, the inspector general may conduct a review or
12 investigation, as specified in subdivision (b), as he or she deems
13 necessary or if requested by any Member of the Legislature or any
14 member of the public.

15 (2) Whenever the inspector general conducts a review or
16 investigation pursuant to a request of any Member of the
17 Legislature, the inspector general shall submit a report of his or
18 her findings to that member.

19 (d) (1) Beginning January 1, 2017, and each year after, the
20 inspector general shall submit a report to the board and the
21 Legislature and make any recommendations he or she deems
22 necessary for improving the operations of the veterans programs.

23 (2) A report submitted to the Legislature pursuant to paragraph
24 (1) shall comply with Section 9795 of the Government Code.

25 (e) This section shall remain in effect only until January 1, 2020,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2020, deletes or extends that date.

28 SEC. 2. Section 73.6 is added to the Military and Veterans
29 Code, to read:

30 73.6. (a) The inspector general may receive communications
31 from any individual, including, but not limited to, a participant in
32 a farm and home purchase program or a resident of a California
33 veterans home, who believes he or she may have information that
34 warrants a review or investigation of a veterans program that is
35 supported by the state. The identity of the person providing the
36 information shall be held as confidential by the inspector general
37 and may be disclosed only to the Governor, any member of the
38 board, any Member of the Legislature, or the secretary, as the
39 inspector general deems appropriate and in the furtherance of his
40 or her duties.

1 (b) In order to properly respond to any allegation, the inspector
 2 general shall establish a toll-free public telephone number for the
 3 purpose of identifying any alleged wrongdoing regarding veterans
 4 programs. This telephone number shall be posted at every
 5 California veterans home and throughout all department and county
 6 veterans service offices, in clear view of all veterans home
 7 residents, employees, and the public. In addition, the telephone
 8 number shall be issued to every participant of a home purchase
 9 program. When deemed appropriate by the inspector general, he
 10 or she shall initiate a review or investigation of any alleged
 11 wrongdoing. However, any request to conduct an investigation
 12 shall be in writing. The request shall be confidential and is not
 13 subject to disclosure under the California Public Records Act
 14 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
 15 Title 1 of the Government Code).

16 (c) The identity of the person providing the information that
 17 initiated the review or investigation shall not be disclosed without
 18 that person’s written permission, except to a law enforcement
 19 agency in the furtherance of its duties.

20 (d) This section shall remain in effect only until January 1, 2020,
 21 and as of that date is repealed, unless a later enacted statute, that
 22 is enacted before January 1, 2020, deletes or extends that date.

23 SEC. 3. The Legislature finds and declares that Section 2 of
 24 this act, which adds Section 73.6 of the Military and Veterans
 25 Code, imposes a limitation on the public’s right of access to the
 26 meetings of public bodies or the writings of public officials and
 27 agencies within the meaning of Section 3 of Article I of the
 28 California Constitution. Pursuant to that constitutional provision,
 29 the Legislature makes the following findings to demonstrate the
 30 interest protected by this limitation and the need for protecting
 31 that interest:

32 In order to protect the privacy of persons who provide
 33 information of alleged wrongdoing by or complaints against
 34 veterans programs to the Inspector General for Veterans Affairs,
 35 the limitations on the public’s right of access imposed by Section
 36 2 of this act are necessary.