

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1596

Introduced by Assembly Member Mathis

(Principal coauthor: Assembly Member Dodd)

(Principal coauthor: Senator Anderson)

*(Coauthors: Assembly Members Achadjian, Baker, Brough, Chang,
Gallagher, and Lackey)*

(Coauthor: Senator Bates)

January 7, 2016

An act to amend Section 699.5 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1596, as amended, Mathis. Veteran service organizations.

Existing law authorizes the Department of Veterans Affairs to assist a veteran and his or her dependents or survivors to make a claim against the United States arising out of military service and establishing a right to a privilege, preference, care, or compensation. Existing law authorizes the department to cooperate and, with approval of the Department of Finance, contract with any veterans service organization for the purpose of assisting veterans in their claims. Existing law defines veterans service organization for these purposes.

This bill would continuously appropriate \$1,000,000 from the General Fund each fiscal year to the Department of Veterans Affairs for the purpose of grants to veterans service organizations. The bill would additionally require a veteran service organization to have a presence in this state and be registered with both the Secretary of State and Attorney General.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 699.5 of the Military and Veterans Code
2 is amended to read:
3 699.5. (a) (1) The department may assist every veteran of the
4 United States and the dependent or survivor of every veteran of
5 the United States in presenting and pursuing the claim as the
6 veteran, dependent, or survivor may have against the United States
7 arising out of military service and in establishing the veteran's,
8 dependent's, or survivor's right to any privilege, preference, care,
9 or compensation provided for by the laws of the United States or
10 of this state. The department may cooperate *with* and, with the
11 approval of the Department of Finance, contract with any veterans
12 service organization, and pursuant to the contract may compensate
13 the organization for services within the scope of this section
14 rendered by it to any veteran or dependent or survivor of a veteran.
15 The contract shall not be made unless the department determines
16 that, owing to the confidential relationships involved and the
17 necessity of operating through agencies that the veterans,
18 dependents, or survivors involved will feel to be sympathetic
19 toward their problems, the services cannot satisfactorily be rendered
20 otherwise than through the agency of the veterans organization
21 and that the best interests of the veterans, dependents, or survivors
22 involved will be served if the contract is made.
23 (2) Notwithstanding Section 13340 of the Government Code,
24 the sum of one million dollars (\$1,000,000) is hereby continuously
25 appropriated, without regard to fiscal years, from the General Fund
26 each fiscal year to the department, for the purpose of grants and
27 contracts pursuant to paragraph (1).
28 (b) (1) The Legislature finds and declares that services provided
29 by veterans service organizations play an important role in the
30 department's responsibilities to assist veterans and their dependents
31 and survivors in presenting and pursuing claims against the United
32 States, and that it is an efficient and reasonable use of state funds
33 to provide compensation to veterans service organizations for these
34 services.

1 (2) The Legislature further finds and declares that paragraph
2 (1) shall not be implemented by using the General Fund until the
3 annual budget for county veterans service officers reaches a
4 minimum of five million dollars (\$5,000,000). This subdivision
5 shall not be construed to preclude the use of federal funding in
6 implementing these provisions.

7 (c) Veterans service organizations that elect to contract with the
8 department in accordance with this section shall document the
9 claims processed each year by the veterans service officers
10 employed by the veterans service organization at offices located
11 in California. The documentation shall be in accordance with
12 procedures established by the department.

13 (d) The department shall determine annually the amount of
14 monetary benefits paid to eligible veterans and their dependents
15 and survivors in the state as a result of the work of the veterans
16 service officers of the contracting organizations. Beginning on
17 January 1, 2006, the department shall, on or before January 1 of
18 each year, prepare and transmit its determination for the preceding
19 fiscal year to the Department of Finance and the Legislature. The
20 department shall also identify federal sources to support the efforts
21 of veterans service organizations pursuant to this section. The
22 Department of Finance shall review the department's determination
23 in time to use the information in the annual Budget Act for the
24 budget of the department for the next fiscal year.

25 (e) For purposes of this section:

26 (1) "Survivor" means any relation of a deceased veteran who
27 may be entitled to make a claim for any privilege, preference, care,
28 or compensation under the laws of the United States or this state
29 based upon the veteran's war service.

30 (2) "Veterans service officer" means an individual employed
31 by a veterans service organization and accredited by the United
32 States Department of Veterans Affairs to process and adjudicate
33 claims and other benefits for veterans and their dependents and
34 survivors.

35 (3) "Veterans service organization" means an organization that
36 meets all of the following criteria:

37 (A) Is formed by and for United States military veterans.

38 (B) Is chartered by the United States Congress.

39 (C) Has regularly maintained an established committee or
40 agency in a regional office of the United States Department of

- 1 Veterans Affairs in California rendering services to veterans and
- 2 their dependents and survivors for at least the past five years.
- 3 (D) Has an active statewide California organization with a
- 4 presence in the state and is registered with the Secretary of State
- 5 and the Attorney General.

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