

AMENDED IN ASSEMBLY MARCH 28, 2016

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~~ *appropriate \$3,000,000 from the General Fund* to the Department of Veterans Affairs for the purpose of grants to veterans service organizations. *The bill would require the department*

to establish criteria and reporting requirements for any organization it contracts with pursuant to these provisions. The bill would additionally require a veteran service organization that contracts with the department to have a presence in this state and be registered with both the Secretary of State and Attorney General.

Vote: $\frac{2}{3}$. 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. *The department*
 23 *shall establish criteria for any veterans service organization it*
 24 *contracts with and reporting requirements regarding any funds*
 25 *distributed through contracts pursuant to this subdivision.*
 26 ~~(2) Notwithstanding Section 13340 of the Government Code,~~
 27 ~~the sum of one million dollars (\$1,000,000) is hereby continuously~~
 28 ~~appropriated, without regard to fiscal years, from the General Fund~~
 29 ~~each fiscal year to the department, for the purpose of grants and~~
 30 ~~contracts pursuant to paragraph (1).~~

1 (b) (1) The Legislature finds and declares that services provided
2 by veterans service organizations play an important role in the
3 department's responsibilities to assist veterans and their dependents
4 and survivors in presenting and pursuing claims against the United
5 States, and that it is an efficient and reasonable use of state funds
6 to provide compensation to veterans service organizations for these
7 services.

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

14 (c) Veterans service organizations that elect to contract with the
15 department in accordance with this section shall document the
16 claims processed each year by the veterans service officers
17 employed by the veterans service organization at offices located
18 in California. The documentation shall be in accordance with
19 procedures established by the department.

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

32 (e) For purposes of this section:

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

37 (2) "Veterans service officer" means an individual employed
38 by a veterans service organization and accredited by the United
39 States Department of Veterans Affairs to process and adjudicate

1 claims and other benefits for veterans and their dependents and
2 survivors.

3 (3) “Veterans service organization” means an organization that
4 meets all of the following criteria:

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

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

7 (C) Has regularly maintained an established committee or
8 agency in a regional office of the United States Department of
9 Veterans Affairs in California rendering services to veterans and
10 their dependents and survivors for at least the past five years.

11 (D) Has an active statewide California organization with a
12 presence in the state and is registered with the Secretary of State
13 and the Attorney General.

14 *SEC. 2. The sum of three million dollars (\$3,000,000) is hereby*
15 *appropriated from the General Fund to the department, without*
16 *regard to fiscal years, for the purpose of grants and contracts*
17 *pursuant to Section 699.5 of the Military and Veterans Code, to*
18 *be awarded over a five-year period beginning with the 2017–18*
19 *fiscal year.*