

2011

Summary of Legislation, 2011

Assembly Committee on Veterans Affairs

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ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Summary of Legislation 2011



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On the cover: Fort Point and the Golden Gate Bridge

Fort Point has stood guard at the narrows of the Golden Gate for over 150 years. The Fort has been called "the pride of the Pacific," "the Gibraltar of the West Coast," and "one of the most perfect models of masonry in America." When construction began during the height of the California Gold Rush, Fort Point was planned as the most formidable deterrence America could offer to a naval attack on California via San Francisco Bay.

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Assembly Committee on Veterans Affairs

2011 Legislative Summary

BILLS SENT TO GOVERNOR AND ENACTED RESOLUTIONS:

ASSEMBLY BILLS:

AB 167 (Cook)

Chapter 69, Statutes of 2011

California Stolen Valor Act

This bill expands existing provisions related to forfeiture of elected office under the Federal Stolen Valor Act, to additionally require that an elected officer, forfeit office upon conviction of a crime involving a false claim, with intent to defraud, that he or she is a veteran or a member of the Armed Forces of the United States. In addition, characterizes these and related provisions, as specified, as the "California Stolen Valor Act."

AB 188 (Block and Butler)

Chapter 202, Statutes of 2011

Property tax exemption: principal residence: veterans and their unmarried surviving spouses.

This bill ensures that the disabled veterans' property tax exemption on a principal residence received by an unmarried surviving spouse will continue to be available to the unmarried surviving spouses who are confined to a hospital or other care facilities.

AB 199 (Cook and Ma)

Chapter 607, Statutes of 2011

School Curriculum: social sciences: Filipinos in World War II.

This bill encourages instruction in social sciences for grades 7 to 12, inclusive, to include instruction on World War II and the role of Filipinos in that war, and would encourage that instruction to include a component drawn from personal testimony, as provided.

AB 201 (Butler)

Vetoed

Veterans Courts

This bill establishes standards and procedures for veterans courts and specifies that county participation in the veterans' courts program is voluntary.

Governor's Veto Message- This measure would authorize superior courts to establish dedicated programs to serve eligible veterans of the United States military. While the provisions of this bill are well-intended, they create a clear expectation that our courts--already struggling with painful budget cuts--will establish a new program.

Given current budgetary constraints, the decision to adopt this kind of program--something already within the courts' authority--is better left to the sound discretion of the judiciary.

AB 629 (Monning)

Chapter 267, Statutes of 2011

Veterans Cemetery

This bill authorizes the Department of Veterans Affairs to contract with the Fort Ord Reuse Authority, rather than the Department of General Services, for design and construction of a state-owned and operated veterans' cemetery at Fort Ord.

AB 636 (Knight)

Chapter 293, Statutes of 2011

Military service: benefits

This bill revises the terms and conditions of tuition and fee refunds for a student who withdraws from an academic institution due to active military service.

AB 697 (V. Manuel Pérez)

Chapter 368, Statutes of 2011

Veteran: acquisition of home: interest of record

This bill allows the Department of Veterans Affairs (DVA) to acquire a home for the purpose of refinancing an existing mortgage loan and requires the DVA to adopt rules and regulations, as specified.

AB 713 (Block)

Chapter 105, Statutes of 2011

Military service: legal benefits

This bill enhances the availability of certain benefits and protections from liability to California National Guard and United States Military Reserve service members and their families during periods of active military service.

AB 882 (Cook and Blumenfield)

Chapter 730, Statutes of 2011

Veterans and military: public postsecondary education.

This bill modifies state law to conform with federal law granting a member of the Armed Forces, or his/her dependent to receive resident classification for as long as he/she is continuously enrolled in a California educational institution of higher learning, and requests the Regents of the University of California institute the same residency requirements established by this bill for students enrolled in the University of California educational system.

AB 905 (Pan)

Chapter 321, Statutes of 2011

Disposition of remains: authorized agent.

This bill gives priority to the person authorized to direct disposition (PADD) indicated on a United States Department of Defense Record of Emergency Data, DD Form 93 (DD Form 93), as the agent authorized to take control of a decedent's remains of a military service member who dies while on duty under state law. This bill is operative only if

the DD Form 93 and corresponding federal law are amended to allow the PADD to be any person, regardless of the relationship of the PADD to the decedent.

AB 1084 (Davis)

Chapter 377, Statutes of 2011

Veterans' farm and home purchases: shared equity cooperative housing.

This bill allows the Department of Veterans Affairs to fund a limited equity housing cooperative loan, through the California Veteran Home Loan Program and requires the fund transfer to take place within 30 days of the effective date of this bill.

ACR 16 (Eng)

Chapter 39, Statutes of 2011

Day of Remembrance

This resolution declares February 19, 2011, as a Day of Remembrance, to increase public awareness of events surrounding the internment of American of Japanese ancestry during World War II.

ACR 40 (Solorio)

Chapter 14, Statutes of 2011

Vietnamese American history.

This resolution recognizes April 24, 2011, thru April 30, 2011 as Black April Memorial Week, Vietnamese American communities throughout California consider Black April a celebration of the resilience of the Vietnamese people; and in recognition of the great tragedy, suffering and lives lost during the Vietnam War era; and April 2011 as Vietnamese American Month to honor a community that has added personal, cultural, and economic value to the State of California.

SENATE BILLS

SB 10 (Evans)

Chapter 265, Statutes of 2011

Military and veterans: Veterans' Home Allied Council

This bill provides for the establishment of a Veteran's Home Allied Council to represent veterans on issues before the California State Legislature and would additionally permit the council to provide representation only to veterans in veteran's homes and must comply with all specified requirements, as prescribed.

SB 180 (Corbett)

Chapter 79, Statutes of 2011

Consumer transactions: public social services: unreasonable fees

This bill adds "public social services" to the definition of those activities and functions administered or supervised by the United States Department of Veterans Affairs and the California Department of Veterans Affairs.

SB 537 (Correa)

Chapter 630, Statutes of 2011

California Cadet Corps

This bill authorizes the Adjutant General of the California National Guard to enter into an agreement with a school governing board, to establish a military academy charter school in the state. This bill also makes a series of non-substantive and technical changes to the existing California Cadets Corps program.

SB 806 (Committee on Veterans Affairs)

Chapter 374, Statutes of 2011

State employees: military leave: salary overpayment.

This bill extends the statute of limitations for salary overpayments to state employees on leave for duty with the National Guard.

SB 813 (Committee on Veterans Affairs)

Chapter 375, Statutes of 2011

Public postsecondary education: veterans' enrollment.

This bill extends priority registration enrollment for veterans at the California State University and the California Community Colleges, from two to five years.

SCR 26 (Blakeslee)

Chapter 90, Statutes of 2011

Vietnam Veterans Memorial Highway.

This bill designates a portion of State Highway Route 1 in Santa Barbara County as the "Vietnam Veterans Memorial Highway."

BILLS IN LEGISLATURE:

The following bills, if enacted would do the following:

ASSEMBLY BILLS:

AB 297 (Galgiani)

Public contracts: veterans preference.

This bill allows for a bid preference to a bidder of a public works contract if that bidder utilizes the Center for Military Recruitment, Assessment, and Veterans Employment's Helmets to Hardhats program, as specified. This bill would also require that the bidder and each listed subcontractor submit a certified statement, and would impose a civil penalty for knowingly providing false information in that statement. Status: Pending in Assembly Committee on Business, Professions, and Consumer Protection.

AB 487 (Cook)

Veterans' homes: fees and charges.

This bill restores a cap on the amount veterans pay for residence and care in Veterans Homes of California and creates a mechanism by which cost of living can be recalculated annually to reflect changes in the U.S. Department of Veterans Affairs disability compensation. Status: Held in Assembly Appropriations Committee.

AB 488 (Cook)

Veterans' homes: fees and charges.

This bill creates a cap on the charges that non-veteran spouses, living in a veterans' home, must pay by requiring non-veteran spouses to pay the same sliding scale fees and charges as the veteran spouse. Status: Held in Assembly Appropriations Committee. submission.

AB 557 (Speaker Perez)

Veterans: National Guard: California Interagency Council on Veteran Services and Programs.

This bill creates the California Interagency Council on Veteran Services and Programs to assess how California veterans are accessing available state and federal benefits. The Council is required to report its recommendations for the implementation of policy, regulatory and resources changes to the Legislature by January 1, 2013. Status: Pending in Senate Appropriations Committee.

AB 635 (Knight)

Veterans' benefits: public postsecondary education: mandatory educational fees.

This bill permits the Trustees of the California State University, the Regents of the University of California, and the Board of Governors of the California Community Colleges to designate mandatory education fees as tuition for purposes of veterans'

benefits. *Status: Pending in Assembly Committee on Higher Education: Set, first hearing. Hearing canceled at the request of author.*

AB 825 (Atkins)

Veterans' homes: investigations: financial status.

This bill updates the Military and Veterans Code, relating to veterans. Authorizes the Department of Veterans Affairs to investigate a veteran's financial status to ensure that the veteran cannot pay for the necessary care outside of the veterans' home. *Status: Pending in Assembly Rules Committee.*

AB 1084

AB 1093 (Davis)

Student financial aid: Military and Veterans Benefits Offices.

The bill requires the California Community Colleges and the California State University, and encourages the University of California, to establish on each of its respective campuses a Military and Veterans Benefits Office and appoint a full-time Military and Veterans Benefits Advisor for each office to assist a qualified student in determining their student's eligibility for state or federal educational benefits or grants. *In Assembly Committee on Higher Education: Set, first hearing. Hearing canceled at the request of author*

AB 1209 (Cook and Pan)

Department of Veterans Affairs: veterans' services.

This bill appropriates \$7,300,000 from the General Fund to the Department of Veterans Affairs for disbursement to the counties to fund the activities of the county veterans service officers to provide specified veterans' services. The bill makes specific allocations for CVSOs, grants to counties and non-profit organizations for veterans services, and for Operation Welcome Home or a successor program. *In Assembly Committee on Appropriations: Hearing postponed by committee.*

AB 1223 (Veterans Affairs Committee)

Medi-Cal: Public Assistance Reporting Information System.

This bill requires the Department of Health Care Services (DHCS) to utilize the federal Public Assistance and Reporting Information System (PARIS) to identify veterans and their dependents or survivors who are enrolled in the Medi-Cal Program and assist them in obtaining federal veterans' health care benefits statewide and repeals language making PARIS a two-year pilot program where DHCS selects three consenting counties that have in operation a United States Department of Veterans Affairs (USDVA) medical center to participate in the pilot.

Status: Pending in Senate Committee on Veterans Affairs: In committee: Hearing postponed by committee. From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on V.A

AB 1224 (Veterans Affairs Committee)

Employment training panel: 3-year plan: training programs: veterans: National Guard members.

This bill expands the Employment Training Panel (ETP) 3-year plan to include projects that support veterans and members of the California National Guard.

In Assembly Committee on Labor and Employment: pursuant to Assembly Rule 96.

AB 1225 (Veterans Affairs Committee)

Veterans: veterans' farm and home purchase.

This bill updates the Military and Veterans Code, relating to veterans. The Veterans' Farm and Home Purchase Act of 1943, administered by the Department of Veterans Affairs, provides veterans with the opportunity to acquire farms and homes, including mobilehomes. That act prohibits the department from acquiring a home in which a veteran has an interest of record except in specified instances.

In Assembly Committee on Rules

ACR 40

AJR 6 (Ma, Cook and Fong)

Filipino veterans.

This bill requests that Congress and the President of the United States enact the Filipino Veterans Fairness Act of 2011 (H.R. 210).

In Senate. To Committee on Rules

SENATE BILLS:

SB 197 (Cannella)

Veterans affairs: administration.

This bill updates the Military and Veterans Code, relating to veterans. Requires the Secretary of Veterans Affairs to conduct audits, as specified by statute, on internal controls, and to provide those audits to the inspector general.

In Senate Committee on Rules.

SB 198 (Cannella)

State militia: Adjutant General: duties.

This bill updates the Military and Veterans Code, relating to veterans. Requires the Adjutant General to perform various duties with regard to the National Guard as are

prescribed in the Military and Veterans Code and any additional duties that are consistent with the regulations and customs of the federal military organizations.
In Senate. Committee on Rules.

SB 443 (Strickland)

Veterans' memorial.

This bill allows the Department of Transportation to sell excess real property in the state-owned area associated with the park-and-ride lot at the Clark Avenue West exit from State Highway Route 135 in the Town of Orcutt to the County of Santa Barbara for purposes of erecting a veterans' memorial at that location.

In Assembly Committee on Transportation: Set, first hearing. Hearing canceled at the request of author.

SB 546 (Correa)

Disabled veterans: families and dependents: employment opportunities.

This bill declares the intent of the Legislature to enact legislation that would extend employment opportunities to families and dependents of veterans who are not able to work due to service connected disabilities.

In Senate. Committee on Rules.

SB 663 (Correa)

Veterans: transitional housing.

This bill authorizes the Department of Veterans Affairs to provide transitional housing for veterans, address the housing needs of homeless veterans, or provide other assistance to homeless veterans.

In Senate. Committee on Rules.

SB 807 (Correa and Lieu)

Retirement: compensation earnable.

This bill specifies that any travel expense or housing allowance paid to a state employee may not be included in compensation earnable for the purpose of calculating a pension.

In Senate Committee on Appropriations: Set for hearing August 15. From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and ordered to consent calendar. Read second time. Ordered to consent calendar. From consent calendar. Ordered to third reading. Ordered to inactive file on request of Senator Correa.

SB 809 (Committee on Veterans Affairs)

Veterans: educational assistance: dependents.

This bill updates the Military and Veterans Code, relating to veterans. Defines “veterans” for the purposes of the various programs bestowing benefits upon veterans, including, but not limited to, educational assistance for dependents of veterans.

In Senate. Committee on Rules.

SB 811 (Committee on Veterans Affairs)

Veterans: memorial districts: buildings.

This bill updates the Military and Veterans Code, relating to veterans. Authorizes the establishment of memorial districts with specified powers and duties relating to veterans’ buildings. Existing law authorizes registered electors residing within a proposed district to propose the formation of a district, as specified.

In Senate. Committee on Rules.

SB 812 (Committee on Veterans Affairs)

Flag protocol: POW/MIA Flag.

This bill provides that when the National Flag, State Flag, and POW/MIA Flag are used, and only one flagpole is used, requires that the National Flag be placed above the State Flag, and the State Flag to be placed above the POW/MIA Flag.

In Senate Committee on Veterans Affairs: Hearing postponed by committee.

SB 816 (Committee on Veterans Affairs)

Veterans’ homes of California: economic need.

This bill requires the administrator, in the admission of veterans who served in a time of war or peace, to consider the economic needs those of veterans.

In Senate. Committee on Rules.

SB 817 (Committee on Veterans Affairs)

State contracts: participation goals.

This bill revises the requirements imposed on disabled veteran business enterprises (DVBE) to require a disabled veteran to have a no less than a 10% service-connected disability and requires a DVBE to submit specified income tax information to the Office of Small Business and Disabled Veteran Business Enterprise Services.

In Senate Appropriations Committee: Placed on APPR. suspense file. Set for hearing May 26. Held in committee and under submission.

SB 921 (Lieu)

Military Department: Office of the Inspector General.

This bill requires the Governor to appoint an Inspector General who will oversee, but operate independently from, the Military Department.

In Assembly Committee on Veterans Affairs.

SCR 27 (Correa)

Black April Memorial Week

This bill declares the week of April 23 through April 30, 2011, as Black April Memorial Week. **(Use the same description as ACR 40)**

In Assembly Committee on Rules.

SJR 2 (Kehoe)

Military policy: "Don't Ask, Don't Tell, Don't Pursue, Don't Harass."

This bill urges the President, Congress, and Secretary of Defense of the United States to end the policy of levying fines on lesbian, gay, and bisexual service members discharged under the military's "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" policy.

In Senate Committee on Veterans Affairs: Set for hearing April 12. Hearing canceled at the request of author.

SJR 8 (Veterans Affairs Committee)

TRICARE cost increases

This bill urges the United States Congress to make itself the sole authority on determining future TRICARE cost increases and to base those increases on United States Department of Labor statistics.

In Assembly. Held at Desk: Referred to Com. on V.A.

* *Floor analysis provided by Committee staff, although bill not heard by Assembly Veterans Affairs Committee.*

** *Summary of bill as pertaining to jurisdiction of the Assembly Veterans Affairs Committee; bill subsequently amended and subject matter changed.*