

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 12, 2012

**SENATE BILL**

**No. 1258**

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**Introduced by Senators Wolk and Correa  
(Coauthors: Senators Berryhill, Calderon, Cannella, Huff, Negrete  
McLeod, Rubio, and Runner)**

February 23, 2012

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An act to add Section 713 to the Military and Veterans Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as amended, Wolk. Department of Veterans Affairs: monitoring outcomes for veterans: Director of Employment Development: disclosure of information.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans.

This bill would require the Department of Veterans Affairs, for the purpose of ensuring the adequacy of services being provided to veterans and that the needs of veterans are being addressed in California, to ~~establish a system for monitoring specified outcomes~~ *develop outcome indicators* for veterans, *as specified*. This bill would require the department to ~~submit reports~~ *report* to the Senate and Assembly Committees on Veterans Affairs ~~on the establishment of the system and on any outcomes for veterans identified~~ *all of the outcome indicators developed* by the department, *recommendations on ways to establish a*

*system for monitoring outcomes of veterans, and any regulatory or fiscal barriers that may hinder future progress on the development of a monitoring system, as provided.*

Under existing law, the information obtained in the administration of the Unemployment Insurance Law is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law requires the director to permit the use of specified information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor.

This bill would require the Director of Employment Development to permit the receipt of specified information to enable the Department of Veterans Affairs to ~~assess, monitor, or evaluate programs involving~~ *develop outcome indicators for veterans*. By providing this information to the Department of Veterans Affairs, this bill would expand the crime related to the unauthorized disclosure of this information, and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1     *SECTION 1. It is the intent of the Legislature in enacting this*  
 2     *act to authorize the California Department of Veterans Affairs to*  
 3     *receive information held by other state agencies as it relates to*  
 4     *outcomes for veterans in California, for purposes of monitoring*  
 5     *these outcomes and improving the operations of services and*  
 6     *programs intended to support the needs of veterans.*

7     ~~SECTION 1.~~

8     *SEC. 2.* Section 713 is added to the Military and Veterans Code,  
 9     to read:

10    713. (a) The department shall, for the purpose of ensuring the  
 11    adequacy of services being provided to veterans and that the needs

1 of veterans are being addressed in California, ~~establish a system~~  
2 ~~for monitoring outcomes~~ *develop outcome indicators* for veterans,  
3 including, but not limited to, employment and employment-related  
4 information including employment earnings, incidence of suicide,  
5 higher education including access to higher education, involvement  
6 with the child welfare system, and involvement with the criminal  
7 justice system.

8 (b) The department may receive any data, the access to which  
9 is not restricted by any state or federal law, that is necessary to  
10 ~~monitor the outcomes~~ *develop outcome indicators* as specified in  
11 subdivision (a), including, but not limited to, data held by other  
12 state agencies or departments.

13 (c) The department shall prescribe a manner in which to ensure  
14 the confidentiality of information in the possession of the  
15 department received pursuant to this section, that is equal to, or  
16 greater than, the protections in place for data received by other  
17 state agencies or departments.

18 (d) The department may establish one or more advisory bodies  
19 to guide and inform the selection of outcomes and the strategy for  
20 ~~monitoring~~ *developing* and reporting those ~~outcomes~~ *outcome*  
21 *indicators*, as determined by the Secretary of Veterans Affairs. An  
22 existing state entity that involves diverse representation of state  
23 and local veterans, including, but not limited to, the California  
24 Interagency Council on Veterans, may act as an advisory body for  
25 purposes of this section.

26 (e) (1) The department shall report to the Senate and Assembly  
27 Committees on Veterans Affairs ~~both of the following:~~

28 (A) (i) ~~On or before March 1, 2015, the progress on the~~  
29 ~~establishment of the system required pursuant to subdivision (a).~~  
30 ~~The report shall specify any barriers faced by the department in~~  
31 ~~receiving the information necessary to report the outcomes for~~  
32 ~~veterans, and shall specify any outcomes identified by the~~  
33 ~~department as required pursuant to subdivision (a).~~

34 (ii) ~~The requirement for submitting a report imposed under~~  
35 ~~clause (i) is inoperative on March 1, 2019, pursuant to Section~~  
36 ~~10231.5 of the Government Code.~~

37 (B) (i) ~~On or before March 1, 2016, and on or before March 1~~  
38 ~~of each year thereafter, any outcomes identified by the department~~  
39 ~~pursuant to subdivision (a).~~

1 ~~(ii) The requirement for submitting a report imposed under~~  
2 ~~clause (i) is inoperative on March 1, 2020, pursuant to Section~~  
3 ~~10231.5 of the Government Code, on or before March 1, 2015,~~  
4 ~~all of the outcome indicators developed by the department pursuant~~  
5 ~~to subdivision (a). The report shall also include recommendations~~  
6 ~~on ways to establish a system for monitoring outcomes of veterans,~~  
7 ~~including additional staffing or technology that might be necessary,~~  
8 ~~as well as any regulatory or fiscal barriers that may hinder future~~  
9 ~~progress on the development of a monitoring system.~~

10 (2) ~~The reports~~ report required to be submitted pursuant to this  
11 subdivision shall be submitted in compliance with Section 9795  
12 of the Government Code.

13 (3) ~~The requirement for submitting a report under paragraph~~  
14 ~~(1) is inoperative on March 1, 2019, pursuant to Section 10231.5~~  
15 ~~of the Government Code.~~

16 ~~SEC. 2.~~

17 SEC. 3. Section 1095 of the Unemployment Insurance Code  
18 is amended to read:

19 1095. The director shall permit the use of any information in  
20 his or her possession to the extent necessary for any of the  
21 following purposes and may require reimbursement for all direct  
22 costs incurred in providing any and all information specified in  
23 this section, except information specified in subdivisions (a) to  
24 (e), inclusive:

25 (a) To enable the director or his or her representative to carry  
26 out his or her responsibilities under this code.

27 (b) To properly present a claim for benefits.

28 (c) To acquaint a worker or his or her authorized agent with his  
29 or her existing or prospective right to benefits.

30 (d) To furnish an employer or his or her authorized agent with  
31 information to enable him or her to fully discharge his or her  
32 obligations or safeguard his or her rights under this division or  
33 Division 3 (commencing with Section 9000).

34 (e) To enable an employer to receive a reduction in contribution  
35 rate.

36 (f) To enable federal, state, or local government departments  
37 or agencies, subject to federal law, to verify or determine the  
38 eligibility or entitlement of an applicant for, or a recipient of, public  
39 social services provided pursuant to Division 9 (commencing with  
40 Section 10000) of the Welfare and Institutions Code, or Part A of

1 Title IV of the Social Security Act, where the verification or  
2 determination is directly connected with, and limited to, the  
3 administration of public social services.

4 (g) To enable county administrators of general relief or  
5 assistance, or their representatives, to determine entitlement to  
6 locally provided general relief or assistance, where the  
7 determination is directly connected with, and limited to, the  
8 administration of general relief or assistance.

9 (h) To enable state or local governmental departments or  
10 agencies to seek criminal, civil, or administrative remedies in  
11 connection with the unlawful application for, or receipt of, relief  
12 provided under Division 9 (commencing with Section 10000) of  
13 the Welfare and Institutions Code or to enable the collection of  
14 expenditures for medical assistance services pursuant to Part 5  
15 (commencing with Section 17000) of Division 9 of the Welfare  
16 and Institutions Code.

17 (i) To provide any law enforcement agency with the name,  
18 address, telephone number, birth date, social security number,  
19 physical description, and names and addresses of present and past  
20 employers, of any victim, suspect, missing person, potential  
21 witness, or person for whom a felony arrest warrant has been  
22 issued, when a request for this information is made by any  
23 investigator or peace officer as defined by Sections 830.1 and  
24 830.2 of the Penal Code, or by any federal law enforcement officer  
25 to whom the Attorney General has delegated authority to enforce  
26 federal search warrants, as defined under Sections 60.2 and 60.3  
27 of Title 28 of the Code of Federal Regulations, as amended, and  
28 when the requesting officer has been designated by the head of  
29 the law enforcement agency and requests this information in the  
30 course of and as a part of an investigation into the commission of  
31 a crime when there is a reasonable suspicion that the crime is a  
32 felony and that the information would lead to relevant evidence.  
33 The information provided pursuant to this subdivision shall be  
34 provided to the extent permitted by federal law and regulations,  
35 and to the extent the information is available and accessible within  
36 the constraints and configurations of existing department records.  
37 Any person who receives any information under this subdivision  
38 shall make a written report of the information to the law  
39 enforcement agency that employs him or her, for filing under the  
40 normal procedures of that agency.

1 (1) This subdivision shall not be construed to authorize the  
2 release to any law enforcement agency of a general list identifying  
3 individuals applying for or receiving benefits.

4 (2) The department shall maintain records pursuant to this  
5 subdivision only for periods required under regulations or statutes  
6 enacted for the administration of its programs.

7 (3) This subdivision shall not be construed as limiting the  
8 information provided to law enforcement agencies to that pertaining  
9 only to applicants for, or recipients of, benefits.

10 (4) The department shall notify all applicants for benefits that  
11 release of confidential information from their records will not be  
12 protected should there be a felony arrest warrant issued against  
13 the applicant or in the event of an investigation by a law  
14 enforcement agency into the commission of a felony.

15 (j) To provide public employee retirement systems in California  
16 with information relating to the earnings of any person who has  
17 applied for or is receiving a disability income, disability allowance,  
18 or disability retirement allowance, from a public employee  
19 retirement system. The earnings information shall be released only  
20 upon written request from the governing board specifying that the  
21 person has applied for or is receiving a disability allowance or  
22 disability retirement allowance from its retirement system. The  
23 request may be made by the chief executive officer of the system  
24 or by an employee of the system so authorized and identified by  
25 name and title by the chief executive officer in writing.

26 (k) To enable the Division of Labor Standards Enforcement in  
27 the Department of Industrial Relations to seek criminal, civil, or  
28 administrative remedies in connection with the failure to pay, or  
29 the unlawful payment of, wages pursuant to Chapter 1  
30 (commencing with Section 200) of Part 1 of Division 2 of, and  
31 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
32 2 of, the Labor Code.

33 (l) To enable federal, state, or local governmental departments  
34 or agencies to administer child support enforcement programs  
35 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et  
36 seq.).

37 (m) To provide federal, state, or local governmental departments  
38 or agencies with wage and claim information in its possession that  
39 will assist those departments and agencies in the administration  
40 of the Victims of Crime Program or in the location of victims of

1 crime who, by state mandate or court order, are entitled to  
2 restitution that has been or can be recovered.

3 (n) To provide federal, state, or local governmental departments  
4 or agencies with information concerning any individuals who are  
5 or have been:

6 (1) Directed by state mandate or court order to pay restitution,  
7 fines, penalties, assessments, or fees as a result of a violation of  
8 law.

9 (2) Delinquent or in default on guaranteed student loans or who  
10 owe repayment of funds received through other financial assistance  
11 programs administered by those agencies. The information released  
12 by the director for the purposes of this paragraph shall not include  
13 unemployment insurance benefit information.

14 (o) To provide an authorized governmental agency with any or  
15 all relevant information that relates to any specific workers'  
16 compensation insurance fraud investigation. The information shall  
17 be provided to the extent permitted by federal law and regulations.  
18 For the purposes of this subdivision, "authorized governmental  
19 agency" means the district attorney of any county, the office of  
20 the Attorney General, the Department of Industrial Relations, and  
21 the Department of Insurance. An authorized governmental agency  
22 may disclose this information to the State Bar of California, the  
23 Medical Board of California, or any other licensing board or  
24 department whose licensee is the subject of a workers'  
25 compensation insurance fraud investigation. This subdivision shall  
26 not prevent any authorized governmental agency from reporting  
27 to any board or department the suspected misconduct of any  
28 licensee of that body.

29 (p) To enable the Director of the Bureau for Private  
30 Postsecondary Education, or his or her representatives, to access  
31 unemployment insurance quarterly wage data on a case-by-case  
32 basis to verify information on school administrators, school staff,  
33 and students provided by those schools who are being investigated  
34 for possible violations of Chapter 8 (commencing with Section  
35 94800) of Part 59 of Division 10 of Title 3 of the Education Code.

36 (q) To provide employment tax information to the tax officials  
37 of Mexico, if a reciprocal agreement exists. For purposes of this  
38 subdivision, "reciprocal agreement" means a formal agreement to  
39 exchange information between national taxing officials of Mexico  
40 and taxing authorities of the State Board of Equalization, the

1 Franchise Tax Board, and the Employment Development  
2 Department. Furthermore, the reciprocal agreement shall be limited  
3 to the exchange of information that is essential for tax  
4 administration purposes only. Taxing authorities of the State of  
5 California shall be granted tax information only on California  
6 residents. Taxing authorities of Mexico shall be granted tax  
7 information only on Mexican nationals.

8 (r) To enable city and county planning agencies to develop  
9 economic forecasts for planning purposes. The information shall  
10 be limited to businesses within the jurisdiction of the city or county  
11 whose planning agency is requesting the information, and shall  
12 not include information regarding individual employees.

13 (s) To provide the State Department of Developmental Services  
14 with wage and employer information that will assist in the  
15 collection of moneys owed by the recipient, parent, or any other  
16 legally liable individual for services and supports provided pursuant  
17 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
18 and Chapter 2 (commencing with Section 7200) and Chapter 3  
19 (commencing with Section 7500) of Division 7 of, the Welfare  
20 and Institutions Code.

21 (t) To provide the State Board of Equalization with employment  
22 tax information that will assist in the administration of tax  
23 programs. The information shall be limited to the exchange of  
24 employment tax information essential for tax administration  
25 purposes to the extent permitted by federal law and regulations.

26 (u) Nothing in this section shall be construed to authorize or  
27 permit the use of information obtained in the administration of this  
28 code by a private collection agency.

29 (v) The disclosure of the name and address of an individual or  
30 business entity that was issued an assessment that included  
31 penalties under Section 1128 or 1128.1 shall not be in violation  
32 of Section 1094 if the assessment is final. The disclosure may also  
33 include any of the following:

34 (1) The total amount of the assessment.

35 (2) The amount of the penalty imposed under Section 1128 or  
36 1128.1 that is included in the assessment.

37 (3) The facts that resulted in the charging of the penalty under  
38 Section 1128 or 1128.1.

1 (w) To enable the Contractors' State License Board to verify  
2 the employment history of an individual applying for licensure  
3 pursuant to Section 7068 of the Business and Professions Code.

4 (x) To provide a peace officer with the Division of Investigation  
5 in the Department of Consumer Affairs information pursuant to  
6 subdivision (i) when the requesting peace officer has been  
7 designated by the Chief of the Division of Investigation and  
8 requests this information in the course of and as part of an  
9 investigation into the commission of a crime or other unlawful act  
10 when there is reasonable suspicion to believe that the crime or act  
11 may be connected to the information requested and would lead to  
12 relevant information regarding the crime or unlawful act.

13 (y) To enable the Labor Commissioner of the Division of Labor  
14 Standards Enforcement in the Department of Industrial Relations  
15 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
16 uninsured employers. The information shall be provided to the  
17 extent permitted by federal law and regulations.

18 (z) To enable the Chancellor of the California Community  
19 Colleges, in accordance with the requirements of Section 84754.5  
20 of the Education Code, to obtain quarterly wage data, commencing  
21 January 1, 1993, on students who have attended one or more  
22 community colleges, to assess the impact of education on the  
23 employment and earnings of students, to conduct the annual  
24 evaluation of district level and individual college performance in  
25 achieving priority educational outcomes, and to submit the required  
26 reports to the Legislature and the Governor. The information shall  
27 be provided to the extent permitted by federal statutes and  
28 regulations.

29 (aa) To enable the Public Employees' Retirement System to  
30 seek criminal, civil, or administrative remedies in connection with  
31 the unlawful application for, or receipt of, benefits provided under  
32 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
33 of the Government Code.

34 (ab) To enable the State Department of Education, the University  
35 of California, the California State University, and the Chancellor  
36 of the California Community Colleges, pursuant to the  
37 requirements prescribed by the federal American Recovery and  
38 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
39 wage data, commencing July 1, 2010, on students who have  
40 attended their respective systems to assess the impact of education

1 on the employment and earnings of those students, to conduct the  
2 annual analysis of district level and individual district or  
3 postsecondary education system performance in achieving priority  
4 educational outcomes, and to submit the required reports to the  
5 Legislature and the Governor. The information shall be provided  
6 to the extent permitted by federal statutes and regulations.

7 (ac) To enable the Department of Veterans Affairs to receive  
8 quarterly wage data pursuant to the requirements of Section ~~713~~  
9 *713* of the Military and Veterans Code. The information shall be  
10 provided to the extent permitted by federal law.

11 ~~SEC. 3.~~

12 *SEC. 4.* No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.