

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE APRIL 22, 2014

AMENDED IN SENATE APRIL 1, 2014

**SENATE BILL**

**No. 1440**

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**Introduced by Senator Wolk**

(Principal coauthor: Assembly Member Achadjian)

**(Coauthors: Senators Block, Knight, and Vidak)**

(Coauthors: Assembly Members Brown and Yamada)

February 21, 2014

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An act to amend Section 1012.3 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1440, as amended, Wolk. Veterans' homes: fees and charges.

Existing law provides for the establishment and operation of the Veterans Home of California at various sites for aged and disabled veterans who meet certain eligibility requirements. Existing law requires members of the homes to pay fees and charges as determined by the department, but prohibits the total of the member's fees and charges for specified types of care for any fiscal year to be greater than a certain percentage of the member's annual income. Existing law also requires nonveteran spouses who become members of the home on or after July 1, 2009, to pay fees and charges based on the level of care, as specified, or an amount equal to the annual amount of federal per diem received for a veteran member in domiciliary care, whichever is greater, as provided.

This bill would instead require nonveteran spouses to pay the same fees and charges as paid by the veteran members of the home, as determined by the department and subject to the same prohibitions.

*This bill would incorporate additional changes to Section 1012.3 of the Military and Veterans Code proposed by AB 614 that would become operative if this bill and AB 614 are both chaptered and this bill is chaptered last.*

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 1012.3 of the Military and Veterans Code  
 2 is amended to read:

3 1012.3. Members of the home, including members who are  
 4 nonveteran spouses, shall pay fees and charges as determined by  
 5 the department, except that the total of the individual member’s  
 6 fees and charges for any fiscal year shall not be greater than as set  
 7 forth in the following schedule:

8 (a) Forty-seven and one-half percent of the member’s annual  
 9 income for domiciliary care.

10 (b) Fifty-five percent of the member’s annual income for  
 11 residential care for the elderly or assisted living.

12 (c) Sixty-five percent of the member’s annual income for  
 13 intermediate care.

14 (d) Seventy percent of the member’s annual income for skilled  
 15 nursing care.

16 *SEC. 1.5. Section 1012.3 of the Military and Veterans Code is*  
 17 *amended to read:*

18 1012.3. (a) Members of the home, *including members who*  
 19 *are nonveteran spouses*, shall pay fees and charges as determined  
 20 by the department, except that the total of the individual member’s  
 21 fees and charges for any fiscal year shall not be greater than as set  
 22 forth in the following schedule:

23 (1) Forty-seven and one-half percent of the member’s annual  
 24 income for domiciliary care.

25 (2) Fifty-five percent of the member’s annual income for  
 26 residential care for the elderly or assisted living.

27 (3) Sixty-five percent of the member’s annual income for  
 28 intermediate care.

1 (4) Seventy percent of the member's annual income for skilled  
2 nursing care.

3 ~~(b) Nonveteran spouses who become members of the home on~~  
4 ~~or after July 1, 2009, shall pay fees and charges based on the level~~  
5 ~~of care, as described in subdivision (a), or an amount equal to the~~  
6 ~~annual amount of federal per diem received for a veteran member~~  
7 ~~in domiciliary care, whichever is greater. If the nonveteran~~  
8 ~~member's income is less than the annual amount of federal per~~  
9 ~~diem for a veteran member in domiciliary care, the nonveteran~~  
10 ~~member shall pay a maximum of 90 percent of his or her annual~~  
11 ~~income.~~

12 *(b) Subdivision (a) shall not apply to a member of the home*  
13 *who is in intermediate care or skilled nursing care and has a*  
14 *disability that has been rated by the United States Department of*  
15 *Veterans Affairs as being 70 percent or more service-connected,*  
16 *as determined under Part 4 of Title 38 of the Code of Federal*  
17 *Regulations and whose related payments made under Section 51.41*  
18 *of Title 38 of the Code of Federal Regulations are considered by*  
19 *the United States Department of Veterans Affairs as payment in*  
20 *full for the member's care.*

21 *SEC. 2. Section 1.5 of this bill incorporates amendments to*  
22 *Section 1012.3 of the Military and Veterans Code proposed by*  
23 *both this bill and Assembly Bill 614. It shall only become operative*  
24 *if (1) both bills are enacted and become effective on or before*  
25 *January 1, 2015, but this bill becomes operative first, (2) each bill*  
26 *amends Section 1012.3 of the Military and Veterans Code, and*  
27 *(3) this bill is enacted after Assembly Bill 614, in which case*  
28 *Section 1012.3 of the Military and Veterans Code, as amended by*  
29 *Section 1 of this bill, shall remain operative only until the operative*  
30 *date of Assembly Bill 614, at which time Section 1.5 of this bill*  
31 *shall become operative.*

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