

AMENDED IN ASSEMBLY MAY 11, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 255

Introduced by Assembly Member Irwin
(Principal coauthor: Assembly Member Mathis)
(Coauthors: Assembly Members ~~Brough and Brown~~ Brough, Brown,
and Salas)

February 9, 2015

An act to add and repeal Sections 73.5 and 73.6 of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 255, as amended, Irwin. Veterans: ~~Inspector General~~ *Internal Audits* for Veterans Affairs.

Existing law establishes the Department of Veterans Affairs and designates the Secretary of Veterans Affairs as the chief administrative officer of the department. Existing law also establishes the California Veterans Board, and requires the board to advise the department and secretary on policies for operations of the department. Existing law provides for veterans programs, including the veterans farm and home purchase programs, and provides for veterans homes.

This bill would create the office of Internal Audits for Veterans Affairs, the chief auditor of which would be subject to the direction of the secretary within the department. The bill would require the chief auditor to be appointed by the Governor, subject to Senate confirmation. The chief auditor would be responsible for reviewing and investigating,

at the request of the secretary or other members of senior management of the department, the operations and financial condition of each California veterans home, each veterans farm and home purchase program, and other department programs and functions. Beginning January 1, 2017, and each year thereafter, the bill would require the chief auditor to submit a summary report to the board and the appropriate committees of the Legislature providing information about the office's activities and recommendations that lead to departmental efficiencies and improvements.

The bill would authorize the chief auditor to receive communications from any individual who believes he or she may have information that warrants a review or investigation of a veterans program. The bill would require the chief auditor to establish a toll-free telephone number to report alleged wrongdoing regarding veterans programs.

The bill would repeal the provisions described above on January 1, 2020.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 73.5 is added to the Military and Veterans
2 Code, to read:
3 73.5. (a) (1) There is hereby created the office of Internal
4 Audits for Veterans Affairs within the department.
5 (2) The chief auditor shall be appointed by the Governor, subject
6 to Senate confirmation.
7 (3) The chief auditor shall be subject to the direction of the
8 secretary.
9 (b) The chief auditor shall conduct reviews and investigations
10 at the request of the secretary or other members of senior
11 management of the department with the intent of increasing
12 efficiencies, improving operations, and reducing fraud, waste, and

1 abuse. The chief auditor's work shall include, but not be limited
2 to, both of the following:

3 (1) Reviewing the operations and financial condition of each
4 California veterans home and *each* veterans farm and home
5 purchase program, and other department programs and functions.

6 (2) Investigating allegations of department employee misconduct
7 and reporting any findings of misconduct directly to the secretary,
8 for further action that the secretary may deem necessary.

9 (c) To ensure the independence of the audit function, the
10 department and chief auditor are subject to the requirements set
11 forth in subdivision (a) of Section 13887 of, and Sections 13887.5
12 and 13888 of, the Government Code.

13 (d) Beginning January 1, 2017, and each year thereafter, the
14 chief auditor shall submit a summary report to the board and the
15 appropriate committees of the Legislature providing information
16 about the office's activities and identifying recommendations that
17 lead to departmental efficiencies and improvements.

18 (e) This section shall remain in effect only until January 1, 2020,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2020, deletes or extends that date.

21 SEC. 2. Section 73.6 is added to the Military and Veterans
22 Code, to read:

23 73.6. (a) The chief auditor may receive communications from
24 any individual, including, but not limited to, a participant in a
25 *veterans* farm and home purchase program or a resident of a
26 California veterans home, who believes he or she may have
27 information that warrants a review or investigation of a department
28 veterans program. If requested, the identity of the person providing
29 the information shall be held as confidential by the chief auditor
30 and may be disclosed only to the secretary or senior management
31 of the department when necessary to resolve the complaint.

32 (b) (1) To enhance accountability, the chief auditor shall
33 establish a toll-free public telephone number for the purpose of
34 identifying any alleged wrongdoing regarding the department or
35 its programs. This telephone number shall be posted at every
36 California veterans home and throughout all department and county
37 veterans service offices, in clear view of all veterans home
38 residents, employees, and the public. ~~In addition, the~~ *The* telephone
39 number shall be issued to every participant of a home purchase
40 program. ~~When~~

1 (2) *When* deemed appropriate by the chief auditor, he or she
2 shall initiate a review or investigation of any alleged wrongdoing.
3 The request shall be confidential and is not subject to disclosure
4 under the California Public Records Act (Chapter 3.5 (commencing
5 with Section 6250) of Division 7 of Title 1 of the Government
6 Code).

7 (c) The identity of the person providing the information that
8 initiated the review or investigation shall not be disclosed without
9 that person's written permission, except in response to a court
10 order or to a law enforcement agency in the furtherance of its
11 duties.

12 (d) This section shall remain in effect only until January 1, 2020,
13 and as of that date is repealed, unless a later enacted statute, that
14 is enacted before January 1, 2020, deletes or extends that date.

15 SEC. 3. The Legislature finds and declares that Section 2 of
16 this act, which adds Section 73.6 of the Military and Veterans
17 Code, imposes a limitation on the public's right of access to the
18 meetings of public bodies or the writings of public officials and
19 agencies within the meaning of Section 3 of Article I of the
20 California Constitution. Pursuant to that constitutional provision,
21 the Legislature makes the following findings to demonstrate the
22 interest protected by this limitation and the need for protecting
23 that interest:

24 In order to protect the privacy of persons who provide
25 information of alleged wrongdoing by or complaints against
26 veterans programs to the Chief Auditor for Veterans Affairs, the
27 limitations on the public's right of access imposed by Section 2
28 of this act are necessary.