

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2784

Introduced by Committee on Veterans Affairs (Salas-Cook (Chair), Block, Gilmore, Lieu, V. Manuel Perez, Salas, Saldana, and Yamada)

March 8, 2010

An act to amend Sections 65, 66, 66.5, and 84 of, and to add Section 90 to, of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2784, as amended, Committee on Veterans Affairs. Veterans.

Existing law provides that the California Veterans Board consists of 7 members appointed by the Governor subject to Senate confirmation. All members of the board are required to be veterans.

This bill would increase the size of the board to 9 members, and would require 2 of the members to have served in Operation Iraqi Freedom or Operation Enduring Freedom.

Existing law requires at least one member of the California Veterans Board to have substantial training or professional expertise in geriatrics, gerontology, or long-term care.

This bill would revise that requirement to also permit that substantial training or professional expertise to be in mental health counseling. This bill would also state the intent of the Legislature to encourage the Governor, when making the appointments to the board, to consider a veteran with specific expertise in women veterans' mental and physical

health issues, and would make legislative findings and declarations related to women veterans.

Existing law prohibits the Secretary of Veterans Affairs from effectuating any policy change that would modify any veterans' program without first fully briefing the board regarding the effects upon veterans of the proposed policy change.

This bill would additionally prohibit the Secretary of Veterans Affairs from recommending any policy change that would modify any veterans' program without first fully briefing the board.

Existing law, for purposes of the above provisions and provisions relating to veterans' welfare, defines "program" to mean the Veterans' Home of California, the veterans' farm and home purchase program, including any associated insurance programs, and the veterans' education assistance program.

This bill would provide that "program" also refers to any other program or service offered or delivered to veterans by another state agency or department.

~~Under existing law, the Department of Veterans Affairs and the California Veterans Board have specified powers and duties relating to veterans.~~

~~This bill would require the Department of Veterans Affairs, in order to ensure that it properly identifies and prioritizes the needs of the veteran community in its strategic plan, to conduct a formal assessment of those needs, as specified. This bill would require the department, in consultation with the California Veterans Board, to develop measurable goals and objectives, as well as a specific department division action plan, as provided. This bill would also require the department, in order to ensure that it effectively measures progress toward meeting key goals and objectives, to follow the provisions in its strategic plan requiring it to establish performance measures, and would require the department to report these measures to the board, as provided. This bill would require the board to include this information within its annual report to the Legislature, as provided.~~

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. (a) The Legislature finds and declares that a
2 2009 audit conducted by the Bureau of State Audits determined
3 all of the following:

4 (1) The Department of Veterans Affairs (hereafter department)
5 needs to improve its strategic planning process to better track its
6 progress toward meeting its goals.

7 (2) The department did not adequately assess veterans' needs
8 in preparing its strategic plan.

9 (3) The department's strategic plan does not specify how goals
10 will be met, lacks adequate measures for assessing progress, and
11 does not always specify how the key needs and concerns of the
12 veteran community will be addressed.

13 (4) The department's Veterans Services Division's action plan
14 designed to meet the strategic plan's goals lacks specifics and is
15 not effective in measuring progress. Moreover, the action plan
16 does not align with the department's strategic plan.

17 (5) The department has not followed key monitoring procedures
18 suggested by its strategic plan to assess its progress.

19 (b) The Legislature also finds and declares the following:

20 (1) Women veterans are at higher risk than male veterans for
21 developing mental health conditions, especially younger women.

22 (2) Military sexual trauma (MST) is widespread. While serving
23 in the Armed Forces, an estimated 20 to 48 percent of women
24 veterans were sexually assaulted and up to 80 percent experienced
25 sexual harassment.

26 (3) Women veterans with MST are more likely to experience
27 other mental health conditions. Studies indicate that women are
28 twice as likely as men to develop post-traumatic stress disorder
29 (PTSD), and women typically experience more, longer lasting
30 symptoms than their male counterparts. These symptoms are often
31 accompanied by physical problems.

32 (4) Women serving in the Armed Forces are also experiencing
33 an increasing number of traumatic brain injuries as a result of
34 exposure to combat conditions.

35 (5) Depression is a major problem for women veterans, and
36 substance abuse is common among women veterans being treated
37 for depression or PTSD.

1 SEC. 2. Section 65 of the Military and Veterans Code is
2 amended to read:

3 65. The board shall consist of nine members who shall be
4 appointed by the Governor subject to the confirmation of the
5 Senate.

6 SEC. 3. Section 66 of the Military and Veterans Code is
7 amended to read:

8 66. All members of the board shall be veterans as “veteran” is
9 defined in Section 18540.4 of the Government Code. One of these
10 members shall also be retired from the active or reserve forces of
11 the United States military service. One of these members shall also
12 be a resident of a California veterans home. Two of the members
13 shall have served in Operation Iraqi Freedom or Operation
14 Enduring Freedom. This section shall not be construed to prohibit
15 a member of the board who does not meet these requirements from
16 serving the remainder of his or her term.

17 SEC. 4. Section 66.5 of the Military and Veterans Code is
18 amended to read:

19 66.5. (a) One member of the board shall have substantial
20 training or professional expertise in mortgage lending and real
21 estate finance.

22 (b) One other member of the board shall have substantial training
23 or professional expertise in mental health counseling, geriatrics,
24 gerontology, or long-term care.

25 (c) One member of the board shall have an accounting or
26 auditing background, and preferably shall be a certified public
27 accountant.

28 (d) Nothing in this section shall be construed to prohibit any
29 member of the board from serving the remainder of his or her term.

30 (e) The first vacancy in the membership of the board, that occurs
31 after September 27, 2002, and does not require the training or
32 expertise required by subdivision (a) or (b), shall be filled by the
33 appointment of a member who meets the criteria required by
34 subdivision (c).

35 (f) It is the intent of the Legislature to encourage the Governor,
36 when making the appointments to the board, to consider a veteran
37 with specific expertise in women veterans’ mental and physical
38 health issues.

39 SEC. 5. Section 84 of the Military and Veterans Code is
40 amended to read:

1 84. (a) The secretary may whenever he or she deems it
2 advisable and shall when required so to do by the board present
3 reports and recommendations to the board concerning any matter
4 relating to veterans' welfare whether or not provided by existing
5 law.

6 (b) Notwithstanding any other provision of law, the secretary
7 shall not recommend or effectuate any policy change that would
8 modify any veterans' program without first fully briefing the board
9 regarding the effects upon veterans of the proposed policy change.

10 (c) For the purposes of this section and Section 700, "program"
11 means the Veterans' Home of California, the veterans' farm and
12 home purchase program, including any associated insurance
13 programs, any veterans' education assistance program, and any
14 other program or service offered or delivered to veterans by another
15 state agency or department.

16 (d) "Policy change" for the purposes of this section means any
17 proposed changes to the programs set forth in subdivision (c) that
18 would directly or indirectly affect the eligibility of veterans to
19 participate in, the affordability for veterans of, or the financial
20 stability of, those programs.

21 ~~SEC. 6. Section 90 is added to the Military and Veterans Code,~~
22 ~~to read:~~

23 ~~90. (a) In order to ensure that it properly identifies and~~
24 ~~prioritizes the needs of the veteran community in its strategic plan,~~
25 ~~the department shall conduct a formal assessment of those needs,~~
26 ~~by, among other things, soliciting input from county veteran service~~
27 ~~officers and other veteran service organizations. As part of this~~
28 ~~undertaking, the department shall, in consultation with the board,~~
29 ~~develop measurable goals and objectives, as well as a specific~~
30 ~~department division action plan, that directly aligns with the needs~~
31 ~~of the veteran community that the department identifies in its~~
32 ~~strategic plan.~~

33 ~~(b) (1) In order to ensure that it effectively measures progress~~
34 ~~toward meeting key goals and objectives, the department shall~~
35 ~~follow the provisions in its strategic plan requiring it to establish~~
36 ~~performance measures. The department shall, on or before~~
37 ~~September 1, 2011, and on or before September 1 of each year~~
38 ~~thereafter, report these performance measures to the board.~~

39 ~~(2) The board shall, beginning on October 1, 2011, include~~
40 ~~within its annual report to the Legislature, required by Section~~

- 1 69.5, the information provided to the board pursuant to paragraph
- 2 (1):

O