

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1258

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

February 23, 2012

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 for veterans. This bill would require the department to submit reports to the Senate and Assembly Committees on Veterans Affairs on the establishment of the system and on any outcomes for veterans identified by the department, 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 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. Section 713 is added to the Military and Veterans
- 2 Code, to read:
- 3 713. (a) The department shall, for the purpose of ensuring the
- 4 adequacy of services being provided to veterans and that the needs
- 5 of veterans are being addressed in California, establish a system
- 6 for monitoring outcomes for veterans, including, but not limited
- 7 to, employment and employment-related information including
- 8 employment earnings, incidence of suicide, higher education
- 9 including access to higher education, involvement with the child
- 10 welfare system, and involvement with the criminal justice system.
- 11 (b) The department may receive any data, the access to which
- 12 is not restricted by any state or federal law, that is necessary to
- 13 monitor the outcomes specified in subdivision (a), including, but
- 14 not limited to, data held by other state agencies or departments.
- 15 (c) The department shall prescribe a manner in which to ensure
- 16 the confidentiality of information in the possession of the
- 17 department received pursuant to this section, that is equal to, or

1 greater than, the protections in place for data received by other
2 state agencies or departments.

3 (d) The department may establish one or more advisory bodies
4 to guide and inform the selection of outcomes and the strategy for
5 monitoring and reporting those outcomes, as determined by the
6 Secretary of Veterans Affairs. An existing state entity that involves
7 diverse representation of state and local veterans, including, but
8 not limited to, the California Interagency Council on Veterans,
9 may act as an advisory body for purposes of this section.

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

12 (A) (i) On or before March 1, 2015, the progress on the
13 establishment of the system required pursuant to subdivision (a).
14 The report shall specify any barriers faced by the department in
15 receiving the information necessary to report the outcomes for
16 veterans, and shall specify any outcomes identified by the
17 department as required pursuant to subdivision (a).

18 (ii) The requirement for submitting a report imposed under
19 clause (i) is inoperative on March 1, 2019, pursuant to Section
20 10231.5 of the Government Code.

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

24 (ii) The requirement for submitting a report imposed under
25 clause (i) is inoperative on March 1, 2020, pursuant to Section
26 10231.5 of the Government Code.

27 (2) The reports required to be submitted pursuant to this
28 subdivision shall be submitted in compliance with Section 9795
29 of the Government Code.

30 SEC. 2. Section 1095 of the Unemployment Insurance Code
31 is amended to read:

32 1095. The director shall permit the use of any information in
33 his or her possession to the extent necessary for any of the
34 following purposes and may require reimbursement for all direct
35 costs incurred in providing any and all information specified in
36 this section, except information specified in subdivisions (a) to
37 (e), inclusive:

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

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

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

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

7 (e) To enable an employer to receive a reduction in contribution
8 rate.

9 (f) To enable federal, state, or local government departments
10 or agencies, subject to federal law, to verify or determine the
11 eligibility or entitlement of an applicant for, or a recipient of, public
12 social services provided pursuant to Division 9 (commencing with
13 Section 10000) of the Welfare and Institutions Code, or Part A of
14 Title IV of the Social Security Act, where the verification or
15 determination is directly connected with, and limited to, the
16 administration of public social services.

17 (g) To enable county administrators of general relief or
18 assistance, or their representatives, to determine entitlement to
19 locally provided general relief or assistance, where the
20 determination is directly connected with, and limited to, the
21 administration of general relief or assistance.

22 (h) To enable state or local governmental departments or
23 agencies to seek criminal, civil, or administrative remedies in
24 connection with the unlawful application for, or receipt of, relief
25 provided under Division 9 (commencing with Section 10000) of
26 the Welfare and Institutions Code or to enable the collection of
27 expenditures for medical assistance services pursuant to Part 5
28 (commencing with Section 17000) of Division 9 of the Welfare
29 and Institutions Code.

30 (i) To provide any law enforcement agency with the name,
31 address, telephone number, birth date, social security number,
32 physical description, and names and addresses of present and past
33 employers, of any victim, suspect, missing person, potential
34 witness, or person for whom a felony arrest warrant has been
35 issued, when a request for this information is made by any
36 investigator or peace officer as defined by Sections 830.1 and
37 830.2 of the Penal Code, or by any federal law enforcement officer
38 to whom the Attorney General has delegated authority to enforce
39 federal search warrants, as defined under Sections 60.2 and 60.3
40 of Title 28 of the Code of Federal Regulations, as amended, and

1 when the requesting officer has been designated by the head of
2 the law enforcement agency and requests this information in the
3 course of and as a part of an investigation into the commission of
4 a crime when there is a reasonable suspicion that the crime is a
5 felony and that the information would lead to relevant evidence.
6 The information provided pursuant to this subdivision shall be
7 provided to the extent permitted by federal law and regulations,
8 and to the extent the information is available and accessible within
9 the constraints and configurations of existing department records.
10 Any person who receives any information under this subdivision
11 shall make a written report of the information to the law
12 enforcement agency that employs him or her, for filing under the
13 normal procedures of that agency.

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

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

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

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

28 (j) To provide public employee retirement systems in California
29 with information relating to the earnings of any person who has
30 applied for or is receiving a disability income, disability allowance,
31 or disability retirement allowance, from a public employee
32 retirement system. The earnings information shall be released only
33 upon written request from the governing board specifying that the
34 person has applied for or is receiving a disability allowance or
35 disability retirement allowance from its retirement system. The
36 request may be made by the chief executive officer of the system
37 or by an employee of the system so authorized and identified by
38 name and title by the chief executive officer in writing.

39 (k) To enable the Division of Labor Standards Enforcement in
40 the Department of Industrial Relations to seek criminal, civil, or

1 administrative remedies in connection with the failure to pay, or
2 the unlawful payment of, wages pursuant to Chapter 1
3 (commencing with Section 200) of Part 1 of Division 2 of, and
4 Chapter 1 (commencing with Section 1720) of Part 7 of Division
5 2 of, the Labor Code.

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

10 (m) To provide federal, state, or local governmental departments
11 or agencies with wage and claim information in its possession that
12 will assist those departments and agencies in the administration
13 of the Victims of Crime Program or in the location of victims of
14 crime who, by state mandate or court order, are entitled to
15 restitution that has been or can be recovered.

16 (n) To provide federal, state, or local governmental departments
17 or agencies with information concerning any individuals who are
18 or have been:

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

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

27 (o) To provide an authorized governmental agency with any or
28 all relevant information that relates to any specific workers'
29 compensation insurance fraud investigation. The information shall
30 be provided to the extent permitted by federal law and regulations.
31 For the purposes of this subdivision, "authorized governmental
32 agency" means the district attorney of any county, the office of
33 the Attorney General, the Department of Industrial Relations, and
34 the Department of Insurance. An authorized governmental agency
35 may disclose this information to the State Bar *of California*, the
36 Medical Board of California, or any other licensing board or
37 department whose licensee is the subject of a workers'
38 compensation insurance fraud investigation. This subdivision shall
39 not prevent any authorized governmental agency from reporting

1 to any board or department the suspected misconduct of any
2 licensee of that body.

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

11 (q) To provide employment tax information to the tax officials
12 of Mexico, if a reciprocal agreement exists. For purposes of this
13 subdivision, “reciprocal agreement” means a formal agreement to
14 exchange information between national taxing officials of Mexico
15 and taxing authorities of the State Board of Equalization, the
16 Franchise Tax Board, and the Employment Development
17 Department. Furthermore, the reciprocal agreement shall be limited
18 to the exchange of information that is essential for tax
19 administration purposes only. Taxing authorities of the State of
20 California shall be granted tax information only on California
21 residents. Taxing authorities of Mexico shall be granted tax
22 information only on Mexican nationals.

23 (r) To enable city and county planning agencies to develop
24 economic forecasts for planning purposes. The information shall
25 be limited to businesses within the jurisdiction of the city or county
26 whose planning agency is requesting the information, and shall
27 not include information regarding individual employees.

28 (s) To provide the State Department of Developmental Services
29 with wage and employer information that will assist in the
30 collection of moneys owed by the recipient, parent, or any other
31 legally liable individual for services and supports provided pursuant
32 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
33 and Chapter 2 (commencing with Section 7200) and Chapter 3
34 (commencing with Section 7500) of Division 7 of, the Welfare
35 and Institutions Code.

36 (t) To provide the State Board of Equalization with employment
37 tax information that will assist in the administration of tax
38 programs. The information shall be limited to the exchange of
39 employment tax information essential for tax administration
40 purposes to the extent permitted by federal law and regulations.

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

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

9 (1) The total amount of the assessment.

10 (2) The amount of the penalty imposed under Section 1128 or
11 1128.1 that is included in the assessment.

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

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

17 (x) To provide a peace officer with the Division of Investigation
18 in the Department of Consumer Affairs information pursuant to
19 subdivision (i) when the requesting peace officer has been
20 designated by the Chief of the Division of Investigation and
21 requests this information in the course of and as part of an
22 investigation into the commission of a crime or other unlawful act
23 when there is reasonable suspicion to believe that the crime or act
24 may be connected to the information requested and would lead to
25 relevant information regarding the crime or unlawful act.

26 (y) To enable the Labor Commissioner of the Division of Labor
27 Standards Enforcement in the Department of Industrial Relations
28 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
29 uninsured employers. The information shall be provided to the
30 extent permitted by federal law and regulations.

31 (z) To enable the Chancellor of the California Community
32 Colleges, in accordance with the requirements of Section 84754.5
33 of the Education Code, to obtain quarterly wage data, commencing
34 January 1, 1993, on students who have attended one or more
35 community colleges, to assess the impact of education on the
36 employment and earnings of students, to conduct the annual
37 evaluation of district level and individual college performance in
38 achieving priority educational outcomes, and to submit the required
39 reports to the Legislature and the Governor. The information shall

1 be provided to the extent permitted by federal statutes and
2 regulations.

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

8 (ab) To enable the State Department of Education, the University
9 of California, the California State University, and the Chancellor
10 of the California Community Colleges, pursuant to the
11 requirements prescribed by the federal American Recovery and
12 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly
13 wage data, commencing July 1, 2010, on students who have
14 attended their respective systems to assess the impact of education
15 on the employment and earnings of those students, to conduct the
16 annual analysis of district level and individual district or
17 postsecondary education system performance in achieving priority
18 educational outcomes, and to submit the required reports to the
19 Legislature and the Governor. The information shall be provided
20 to the extent permitted by federal statutes and regulations.

21 (ac) To enable the Department of Veterans Affairs to receive
22 quarterly wage data pursuant to the requirements of Section 712
23 of the Military and Veterans Code. The information shall be
24 provided to the extent permitted by federal law.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.