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California State Assembly

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JAMES RAMOS
CHAIR

AGENDA

Tuesday, April 5, 2022
4 p.m. -- State Capitol, Room 126

HEARD IN FILE ORDER

- | | | | |
|-----|----------|-----------------|--|
| 1. | AB 1692* | Voepel | Veterans: mental health. |
| 2. | AB 1715* | Muratsuchi | Space Force. |
| 3. | AB 1731* | Davies | Postsecondary education: Title 38 awards: postsecondary educational institutions: application for approval or renewal. |
| 4. | AB 1768* | Cooper | State employees: active duty compensation and benefits. |
| 5. | AB 2119 | Flora | Veterans: Medical Foster Home Pilot Program. |
| 6. | AB 2837 | Cristina Garcia | Vehicles: disabled veterans. |
| 7. | AB 2898 | Fong | Property taxation: exemption: principal residence: veterans and their unmarried surviving spouses.(Tax Levy) |
| 8. | AB 2952 | Gabriel | Driver's licenses: veteran designation. |
| 9. | AJR 17* | Waldron | Military behavioral health care. |
| 10. | AJR 19* | Eduardo Garcia | Deported veterans. |

* Proposed Consent

COVID FOOTER

We encourage the public to provide written testimony before the hearing by visiting the committee website at <https://amva.assembly.ca.gov>. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://www.assembly.ca.gov/todaysevents>.

The hearing room will be open for attendance of this hearing. Any member of the public attending a hearing is encouraged to wear a mask at all times while in the building. We encourage the public to monitor the committee's website for updates.

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 1692 (Voepel) – As Amended March 29, 2022

SUBJECT: Veterans: mental health

SUMMARY: Requires the California Department of Veterans Affairs (CalVet) to establish a program to fund, upon appropriation by the Legislature, an academic study of mental health among women veterans in California, and to submit a report to the Legislature no later than July 31, 2024. Specifically, **this bill:** Requires CalVet to:

- 1) Establish a program to fund, upon appropriation by the Legislature, an academic study of mental health among women veterans in California, to include demographics and an analysis of the stressors, risk factors, treatment modalities, barriers to access, suicide rate, and other information deemed relevant.
- 2) Prepare and submit a report summarizing the findings and recommendations of the study to the Legislature no later than July 31, 2024.

EXISTING LAW: Establishes the California Department of Veterans Affairs which, among other services, provides veterans and their dependents and survivors with assistance in processing service-related disability claims, assistance in obtaining affordable housing, and information about health ailments associated with military service.

FISCAL EFFECT: According to the Assembly Appropriations Committee analysis of AB 1935 (Voepel, 2020):

- 1) One-time costs of approximately \$200,000 (GF) to fund the academic study required in the bill. CalVet indicates it lacks in-house expertise for such a study and would likely award a contract to an outside entity.
- 2) One-time costs of \$230,000 (GF) in the first year and \$219,000(GF) in the second year to CalVet for two limited-term staff to create, award and oversee the contract for the academic study and to submit the required report with findings and recommendations to the Legislature by July 31, 2022.

COMMENTS:

California is home to nearly 184,257 women who served in the United States Armed Forces and 4,369 women who are current National Guard members. Women have served in the U.S. Armed Forces in some capacity since the American Revolution. In 1948, Congress made women a permanent part of the military services. In 2013, women were officially allowed to serve on the front lines for the first time. That same year, the first four females graduate the Marine Corps School of Infantry.

The women veteran population is increasing rapidly throughout the nation, especially in California. Between 2005 and 2017, the women veteran population increased by 6.5%. Studies

estimate that women veterans may comprise up to 15% of the veteran population in California by 2034.

Women who served in the U.S. Armed Forces have unique needs. They are more likely to be primary caregivers for spouses, children, and parents. They are more likely to have gender specific health needs. They are younger and more diverse than their male counterparts.

Women veterans experience additional barriers to receiving and utilizing benefits and services. In California, many women do not self-identify as veterans and thus do not utilize benefits or participate in veterans events, comprising only 5% of the customer population served by County Veteran Services Offices in 2013. Additionally, women veterans have higher rates of physical/mental health problems, such as Military Sexual Trauma (MST), alcohol abuse, and drug abuse, than male veterans.

According to the author:

Women are one of the fastest-growing veteran groups that currently comprise about 9% of veterans. According to the United States Department of Veteran Affairs, by 2035, women serving in the military is expected to increase by 15%. Furthermore, veteran women are more likely to commit suicide by 250% than non-veteran women. The American Psychological Association finds that discussing and preventing military veteran suicide is vitally needed. This measure would put the State of California in the right direction.

“AB 1692 works to find the problem of veteran women suicide and finds a solution for helping those women who have served for our nation's freedom. While the US Department of Veteran Affairs has been working to determine risk assessment on potential suicide is an excellent first step in trying to address the issue. Therefore, it becomes vital for the State of California to conduct a study to assess the problem and find solutions for the female veterans of our state.”

Previous Legislation:

AB 1935, (Voepel, 2020), would have required CalVet to establish a program to fund, upon appropriation by the Legislature, an academic study of mental health among women veterans in California, and to submit a report to the Legislature no later than July 31, 2022.

AB 3371 (Committee on Veterans Affairs, 2020), required additional data and cross-tabulations be added to an existing annual report on veteran suicide in California compiled by the California Department of Public Health.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File.

Opposition

None on File.

Analysis Prepared by: Jenny Callison / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 1715 (Muratsuchi) – As Introduced January 26, 2022

SUBJECT: Space Force

SUMMARY: Amends certain provisions in state law to include the United States Space Force among the lists of Armed Forces entities. Specifically, **this bill:**

- 1) Amends Section 45294 of the Education Code to include Space Force in the definition of “veteran” and “Armed Forces”.
- 2) Amends Section 18540 of the Government Code to include Space Force in the definition of “Armed Forces”.
- 3) Amends Section 27381 of the Government Code to include members of the Space Force for a fee waiver.
- 4) Amends Section 400 of the Military and Veterans Code to include Space Force in the definition of “Armed Forces”.
- 5) Amends Section 920 of the Military and Veterans Code to include Space Force in the definition of “veteran”.

EXISTING LAW: Defines “Armed Forces” as including the United States Army, Navy, Air Force, Marine Corps, and other entities, and defines “veteran” as including members or veterans of those entities, as specified, for various purposes, including the allocation of merit points for civil service hiring practices and for state aid and protections for veterans. Existing law makes a violation of various protections for veterans punishable as a crime.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS: On December 20, 2019, the enactment of the United States Space Force Act, and signing of the National Defense Authorization Act, founded The United States Space Force. The US Space Force is the eighth branch of the United States uniformed services, and is organized under the Department of the Air Force.

The US Space Force is the smallest armed service, consisting of 6,434 military personnel and operating 77 spacecraft. In California, the US Space Force is active in Vandenberg Space Force Base as well as Los Angeles Air Force Base.

California statute currently does not include the United States Space Force within the definitions and references when pertaining to the Armed Forces, Armed Services, and Veterans. This bill creates conforming and technical revisions to state code that defines which military branches are included in the encompassing terms of Armed Forces, Armed Services, and veteran, for the protections and benefits of members of this newly created military force.

REGISTERED SUPPORT / OPPOSITION:

Support

California Manufacturers and Technology Association
Military Services in California
U.S. Department of Defense

Opposition

None on File

Analysis Prepared by: Jenny Callison / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 1731 (Davies) – As Introduced January 31, 2022

SUBJECT: Postsecondary education: Title 38 awards: postsecondary educational institutions: application for approval or renewal

SUMMARY: Requires the California State Approving Agency for Veterans Education (CSAAVE), on or before January 1, 2024, to establish regulations requiring postsecondary educational institutions to provide specified information to CSAAVE as part of an application for approval or renewal. Specifically, **this bill:**

- 1) Requires on or before January 1, 2024, CSAAVE to establish regulations requiring postsecondary educational institutions to provide the following information to CSAAVE as part of an application for approval or renewal:
 - a) The institution's cohort default rate.
 - b) Evidence that the institution meets financial responsibility requirements that shall be established by CSAAVE.
 - c) Evidence of the institution's accreditation status.
 - d) Whether a student, former student, or public prosecutor has filed a lawsuit against the institution for fraud, misrepresentation, or deceit within five years before the institution's application for approval or renewal, including both pending and resolved lawsuits.
 - e) If the institution makes an implied or express representation that it prepares students to work in a profession, occupation, trade, or career field requiring licensure or certification by the state, the following information shall also be disclosed:
 - i) Whether the institution has obtained a required approval by the appropriate state licensing or certifying agency for the profession, occupation, trade, or career field;
 - ii) Whether the institution meets all requirements necessary to allow a student to lawfully obtain a state license or certificate;
 - iii) The license or certificate passage rate for each program; and,
 - iv) An employment market assessment for nondegree programs.
- 2) Specifies that the provisions of this act are severable, and that if any provision of the act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

EXISTING LAW:

- 1) Provides federal educational benefit awards for certain members and veterans of the Armed Forces of the United States. (38 U.S. Code Section 3001 et al.)
- 2) Establishes that California Department of Veterans Affairs (CalVet) within state government has specified powers and duties relating to veterans, including those relating to education benefits. (Military and Veteran Code (MVC) Section 699.5 et al.)
- 3) Establishes the Title 38 award program, which provides student financial aid to military veterans under the administration of CSAAVE, and requires an institution headquartered or operating in California desiring to enroll students eligible for federal Title 38 awards to apply for approval of its courses to CSAAVE, and authorizes CSAAVE to approve the application of the school when the school and its courses satisfy specified criteria and any additional reasonable criteria established by CSAAVE. (Education Code Section 67100 et al.)

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS: *Purpose.* According to the author, “the bravest and most courageous members of our community are the women and men of the Armed Forces who dedicate their lives to protecting our country. Unfortunately, there are entities and organizations who take advantage of these patriots. Veterans and their families are prime targets for scams and cons by unscrupulous businesses who prey on these individuals for their rightly-earned benefits. It’s time for California to crack down on these entities and ensure we have the strongest protections and regulations available to protect against fraud and deceit.”

Background. CSAAVE is California’s State Approving Agency (SAA), an agency appointed by the Chief Executive of a state to approve institutional programs of education and training for payment of benefits under the various laws administered by U.S. Department of Veterans Affairs. CSAAVE is responsible for the review, evaluation, approval, and oversight of schools and training facilities to ensure state and federal quality criteria are met for veterans using their G.I. Bill funds. CSAAVE also assists the U.S. Department of Veterans Affairs in preventing fraud, waste, and abuse in the administration of the G.I. Bill.

CSAAVE evaluates and approves specific educational programs at the following for use of veterans' education and training benefits. These include:

- 1) Public and private accredited degree-granting institutions.
- 2) Public and private non-college degree (certificate) institutions, accredited or non-accredited.
- 3) Flight schools.
- 4) Apprenticeship sites.
- 5) On-the-job training (OJT) sites.

Recent History

In 2019, CSAAVE began suspending a number of colleges for a variety of violations of federal and state law. Many of the suspensions involved the operation in California of satellite or

distance learning offices as actual campuses, allowing the students to claim a housing allowance based on the school's local cost-of-living, an arguable abuse of the G.I. Bill program that allows for-profit schools to entice veterans to their programs for non-educational reasons.

Three of those affected colleges sought an injunction against the state's suspension. USDVA issued a guidance letter that directed CSAAVE to defer to California's Bureau for Private Postsecondary Education. The state agreed to abide by a guidance letter issued by USDVA and reinstated approval for the three colleges, which ended the litigation.

Within a few months, the Education Corporation of America shut down its schools nationwide, in some cases just weeks after starting new courses. In California, they did so in violation of a state law that requires 30 days' notice. Approximately 400 California veterans were affected by this abrupt closure. The ECA schools, most of them known as "Brightwood College" in California, had been under scrutiny since 2016, when their accreditor lost Department of Education recognition. CSAAVE suspended the Brightwood College facility in Bakersfield in August 2018, began the process of suspending its Chula Vista and Fresno locations and had begun preparing the suspension of other locations, all of which was either blocked or overturned by the USDVA's demand.

USDVA revoked California's SAA authority in Sept. 2019, claiming overreach, but CSAAVE was re-established under a new agreement by June 2020.

Title 38 awards. Servicemembers and veterans of the armed forces have access to many different kinds of benefits, including various federal educational aid programs if they meet the applicable eligibility criteria. These include, but are not limited to:

- 1) The Post-9/11 G.I. Bill is available for military members, veterans, and National Guard members who have served on active duty for at least 90 days after September 11, 2001. This benefit covers full tuition and fees at public schools or covers \$26,043 at a private institution, with a monthly housing allowance and a stipend for books for up to 3 years.
- 2) The Montgomery G.I. Bill is available for military members, veterans, and National Guard members who served on active duty for at least two years after June 30, 1985. This benefit provides up to \$25,800 per year for tuition and fees for up to 3 years. A benefit by the same name is available for Military and National Guard members who serve on reserve with a six-year enlistment; they can be eligible for \$4,884 per year for up to 3 years.

Arguments in support. A coalition of public interest and veterans organizations wrote in support of AB 1731, noting that "...AB 1731 is simply a data-collection bill. It does not change CSAAVE's conditions for determining whether an educational institution should be approved for the GI Bill, nor does it limit the information CSAAVE can obtain from an institution when weighing whether their programs are veteran-worthy. Rather, AB 1731 enables CSAAVE to gather key facts needed to carry out its obligation to ensure that our tax dollars are wisely spent and that veterans' sacrifice is honored."

"Prior to COVID, CSAAVE began to issue regulations under California Education Code section 67101 to transparently and accountably establish 'reasonable criteria' for Title 38 approval as permitted by state law. However, CSAAVE has so far not finalized such 'criteria' or finally promulgated such regulations. In the absence of such regulations, California's veterans and the public that honors their service should, at the barest minimum, assure through enduring legislation that CSAAVE will always have before it the most basic information needed to weigh

whether or not an education business should be entrusted with a veteran's future and hard-won, one-time benefits.”

Related legislation. AB 2099 (Frazier), Chapter 676, Statutes of 2014, established minimum requirements for postsecondary institutions approved by CSAAVE to participate in federal veteran's education benefits.

REGISTERED SUPPORT / OPPOSITION:

Support

AMVETS, Department of California
California Association of County Veterans Service Officers
California Low-Income Consumer Coalition
California State Commanders Veterans Council
Center for Public Interest Law/Children's Advocacy Institute/University of San Diego
Children's Advocacy Institute
Consumer Federation of California
Consumer Protection Policy Center (CPPC)/USD School of Law
Housing and Economic Rights Advocates
Iraq and Afghanistan Veterans of America
Public Counsel
Public Law Center
Swords 2 Plowshares
The Institute for College Access and Success
Veterans Education Success
Veterans Legal Clinic
Vietnam Veterans of America, California State Council

Opposition

None on file.

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 1768 (Cooper) – As Introduced February 2, 2022

SUBJECT: State employees: active duty compensation and benefits

SUMMARY: Clarifies that all activations of state employees who are members of the California National Guard or a United States military reserve organization, due to presidential declarations of emergency, are eligible for differential pay and removes the possibility for any future confusion by state agencies when processing claims. Specifically, **this bill:**

1) Removes references to federal law that:

- a) Establish that during a time of national emergency declared by the President after January 1, 1953, or otherwise authorized by law, an authority designated by the Secretary of Defense may, without the consent of persons concerned, order any unit and member not assigned to a unit organized to serve as a unit, in the Ready Reserve to active duty for no more than 24 consecutive months, among other provisions.
- b) Provide that when the President determines that it is necessary to provide assistance to respond to an emergency involving a use or threatened use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack in the U.S. that results, or could result, in significant loss of life or property, may authorize the Secretary of Defense and the Secretary of Homeland Security with respect to the U.S. Coast Guard when not operating as a service in the U.S. Navy, to order any unit of the Selected Reserve or Individual Ready Reserve designated as essential to active duty for no more than 365 consecutive days.

2) In removing the references to federal law, refers to and generally relies on Presidential determinations or declarations regarding these employees ordered to active duty to augment forces, as specified, or national emergencies, also as specified, or those that are otherwise authorized by law.

3) Makes other nonsubstantive changes.

EXISTING LAW:

Federal

- 1) Section 12302 of Title 10 of the United States Code establishes that during a time of national emergency declared by the President after January 1, 1953, or otherwise authorized by law, an authority designated by the Secretary of Defense may, without the consent of persons concerned, order any unit and member not assigned to a unit organized to serve as a unit, in the Ready Reserve to active duty for no more than 24 consecutive months, among other provisions.

- 2) Section 12304, of the United States Code provides that when the President determines that it is necessary to provide assistance to respond to an emergency involving a use or threatened use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack in the U.S. that results, or could result, in significant loss of life or property, may authorize the Secretary of Defense and the Secretary of Homeland Security with respect to the U.S. Coast Guard when not operating as a service in the U.S. Navy, to order any unit of the Selected Reserve or Individual Ready Reserve designated as essential to active duty for no more than 365 consecutive day.
- 3) Section 4301 et seq. of Title 38, United States Code Establishes the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 to: encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service; minimize the disruption to the lives of persons performing service in the uniformed service as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and prohibit discrimination against persons because of their service in the uniformed services

State

- 1) Provides that an employee who, as a member of the CNG or a U.S. military reserve organization, is ordered to active duty by Presidential determination that is necessary to augment active forces for any operational mission, or during a national emergency declared by the President or otherwise authorized by law, must receive as part of their compensation limited to 180 calendar days both of the following:
 - a) The difference between the amount of military pay and allowances and the amount the employee would have received as a state employee, including any merit increases that would have granted during the time the individual was on active duty. Here, the amount that the employee would have received (including merit increases that would have been granted during the period of active duty) must be determined by the California Department of Human Resources (CalHR).
 - b) All benefits that the employee would have received had the employee not served on active duty, unless the benefits are prohibited or limited by vendor contracts.
- 2) Establishes certain conditions or limitations, as specified, relating to the aforementioned entitlements such as:
 - a) If an employee who receives such compensation does not reinstate to active state service following active duty, the compensation must be treated as a loan payable with interest at the rate earned in the Pooled Money Investment Account. However, this does not apply to a state employee who was not eligible to participate in a federally sponsored income protection program for National Guard personnel, military personnel, or both, called to active duty, and as determined by the CalHR.
 - b) If a state employee who is eligible to participate in a federally sponsored income protection program, and whose monthly salary as a state employee was higher than the sum of their military pay and allowances and the maximum allowable benefit under the

federally sponsored income protection program, the state employee must receive the difference in their military pay and allowances and the amount the employee would have received as a state employee (including merit increases during the leave of absence), but that amount must be reduced by the maximum allowable benefit under the federally sponsored income protection program. In addition, for those who elected the federal sponsored income protection program, the state must reimburse the costs of the insurance premium for the period of time on active duty, not to exceed 180 calendar days.

- c) These provisions do not apply to state employees who are entitled to additional compensation or benefits who served in the CNG or U.S. military reserve organization during the Bosnia crisis and those who served in the CNG, U.S. military reserve organization, or active duty military on or after September 11, 2001, as a result of the War on Terrorism.
 - d) In addition, for these specific purposes, “state employee” is defined to mean a person who is legally holding a position in the State civil service, or an employee or officer of the legislative, executive, or judicial departments of the state.
- 3) Requires a leave of absence to be granted for members of the CNG for military service, rights and benefits accrued during that service, and reinstatement to state employment after that service by their appointing power on the same basis as members of the National Guard or other military reserve personnel.
 - 4) Requires that an employee who is granted a long-term military leave of absence and who, for a period of not less than one year immediately prior to the effective date active duty begins has had continuous state service which is not broken by a permanent separation, is entitled to receive their salary or compensation for the first 30 calendar days of active duty served during the absence.
 - 5) Requires that an employee who is granted a short-term military leave of absence for active, but not inactive, duty (including, but not limited to scheduled reserve drill periods), and who for a period of not less than one year immediately prior to the effective date of the active duty has had continuous state service that is unbroken by permanent separation, or who has had continuous state service immediately prior to the effective date of military duty not broken by permanent separation and sufficient recognized military service that does not need to be contiguous to equal one year must be entitled to receive their salary or compensation for the first 30 calendar days of active duty served during the absence.
 - a) In addition, an employee who is a member of the National Guard and is on leave from employment for “emergency military leave” during a state of extreme emergency or insurrection pursuant to a proclamation by the Governor must receive their salary or compensation as a state employee while going to, engaging in, and returning from the duty. However, the employee must not receive a salary or compensation for more than 30 days each time the employee is granted the emergency military leave.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS:According to the author:

Differential pay owed to state employees who are servicemembers in the California National Guard or US Military Reserves and were activated in response to COVID was delayed for nearly a year as a result of confusion and varying interpretations of existing statute.

Since March 13th of 2020, the United States has been operating under a presidential declaration of emergency as a result of the COVID-19 pandemic. Since that time state employees, who are serving in the National Guard and Reserves, have been activated across the state in response to the declaration. Despite the clear reason for activation, the California Department of Human Resources (CalHR) had denied requests for differential pay until finally reversing that decision on February 1st, 2021, nearly a year after they should have been receiving the differential pay.

The reason for the delay in benefits was due to a misinterpretation of the federal authority provision contained in subdivision (b) of GOV 19775.17. Despite the confusion being currently resolved, it is only a temporary fix. There is nothing stopping state agencies from, again, incorrectly interpreting the statute and delaying, or denying, the differential pay promised to our reserve and guard service members.

Previous Legislation:

- 1) Assembly Bill 1032, Cooper, 2021, proposed to extend the period of compensation (i.e., pay, benefits, and reimbursement of the insurance premium for a federally sponsored income protection program) that a state employee, who is a member of the California National Guard or U.S. military reserve organization and ordered to active duty by the U.S. President, as specified, is entitled to receive from 180 calendar days to 365 calendar days, among other provisions.
- 2) Senate Bill 1308, Committee on Public Employment and Retirement (Chapter 665, Statutes of 2012) made statutory changes included in the Governor Plan (GRP 1, 2011) to consolidate the DPA and the State Personnel Board into a single agency: the Department of Human Resources.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Correctional Peace Officers Association (Sponsor)

Opposition

None on File

Analysis Prepared by: Jenny Callison / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 2119 (Flora) – As Introduced February 14, 2022

SUBJECT: Veterans: Medical Foster Home Pilot Program

SUMMARY: Establishes the Medical Foster Home Pilot Program. Specifically, **this bill:**

- 1) States the intent of the Legislature to expand the United States Department of Veterans Affairs (USDVA) medical foster home program in California by authorizing the USDVA to establish medical foster homes that are exempt from state regulation under the Residential Care Facilities for the Elderly Act, the California Community Care Facilities Act, and Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code;
- 2) Defines “medical foster home” to have the same meaning as it is defined in Section 17.73 of Title 38 of the Code of Federal Regulations;
- 3) Defines “medical foster home caregiver” as the primary person who provides care to a veteran resident in a medical foster home;
- 4) Defines “USDVA facility” as a United States Department of Veterans Affairs facility;
- 5) States that no sooner than June 1, 2024 a USDVA facility may establish in this state a medical foster home program that is not subject to licensure or regulation under the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code), the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code), or Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code if all of the following requirements are satisfied:
 - a) The medical foster home meets the requirements of Sections 17.73 and 17.74 of Title 38 of the Code of Federal Regulations.
 - b) The USDVA facility submits or has submitted a proposal to establish a medical foster home program to the Director of Home and Community-Based Care in Geriatrics and Extended Care Services in the Central Office of the USDVA and that director authorizes or has authorized the program.
 - c) The USDVA facility establishing the foster home agrees to be subject to the jurisdiction of the California State Auditor for the purpose of evaluating the program created under this chapter. Consistent with this agreement, the USDVA facility shall provide data, information, and case files as requested by the California State Auditor to perform all of the California State Auditor’s duties in evaluating the program created under this chapter.
 - d) A medical foster home caregiver or an individual, other than a veteran resident, who is over 18 years of age and is residing in the medical foster home shall be a registered independent home care aide, pursuant to Chapter 13 of Division 2 of the Health and Safety Code (commencing with Section 1796.10).

- 6) States the intent of the legislature that the California State Auditor, upon a request to the Joint Legislative Audit Committee, conduct an audit no sooner than January 1, 2021 that assesses and evaluates the pilot program created in this bill, and that the audit evaluate the success of the pilot program by confirming that the USDVA facilities are meeting their goals and standards, and make recommendations to the legislature regarding the continuation of the program, including but limited to recommendations regarding changes or reforms needed for improvement of the program.
- 7) Is repealed as of January 1, 2027.

EXISTING LAW:

- 1) Establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans.
- 2) Provides for the licensure of residential care facilities for the elderly (RCFEs), community care facilities, and residential care facilities for persons with chronic, life-threatening illness by the California State Department of Social Services.
- 3) Exempts from the application of these provisions specified facilities, including general acute care hospitals and clinics.
- 4) Authorizes the California State Auditor, upon the request by the Joint Legislative Audit Committee and to the extent funding is available, to audit a state or local governmental agency, as defined, or any other publicly created entity.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS: According to the author:

“AB 2119 establishes the Medical Foster Home pilot program and gives veterans options on how and where they would like to age. The integrity of the program and the safety of the participants would be upheld through the strict oversight of the USDVA and the jurisdiction of the California State Auditor.

California families are ready and willing to open their homes to veterans, giving them the option to live out the rest of their days in a family setting rather than that of an institution. They are ready to serve those who have served, and AB 2119 will make this possible.”

Background:

The U.S. Department of Veterans Affairs oversees the Medical Foster Home (MFH) program. According to the USDVA, MFHs are private homes in which a trained caregiver provides services to a few individuals. Some, but not all residents are veterans. USDVA inspects and approves all MFHs, but does not actually provide or pay for the homes.

MFHs often serve as an alternative to a nursing home. They may be appropriate for veterans who require nursing home care but prefer a non-institutional setting with fewer residents.

MFHs have a trained caregiver on duty 24/7. This caregiver can help the veteran carry out activities of daily living (e.g., bathing and getting dressed). The USDVA ensures that the caregiver is well-trained to provide USDVA planned care.

To be eligible for a MFH, a veteran must be enrolled in Home Based Primary Care, a USDVA program through which health care services are provided to veterans in their homes. Veterans must pay for the MFH themselves or rely on other insurance. The charge for a MFH is about \$1500 to \$3000 each month based on income level and level of care required.

MFHs are only able to operate in California as Residential Care Facilities for the Elderly.

Residential Care Facilities for the Elderly:

The Community Care Licensing (CCL) division of the Department of Social Services develops and enforces regulations designed to protect the health and safety of individuals in 24-hour residential care facilities and day care. These facilities include child care centers, RCFEs, and foster family homes and group homes.

The approximately 7,500 RCFEs in California are licensed to provide housing and a range of supportive services, such as assistance with activities of daily living, for up to 175,000 people annually.

Traditionally, RCFEs have been used as nonmedical placements for individuals with less acute medical needs than those who qualify for skilled nursing home placement, with some exceptions.

Nearly 80% of California's RCFEs are licensed for four to six beds.

AB 550 (Flora, 2019) was identical to this bill. It was vetoed by the governor, who said, in his veto message:

“This bill would authorize a Medical Foster Home Pilot Program for veterans that would be exempt from state licensure or regulation and subject only to oversight by the federal government.

Other community care facilities in the state are subject to licensure and regulation by the Department of Social Services to ensure safety standards and safeguards.

The state should maintain oversight of the operation of the homes proposed under this bill to ensure that California veterans in these homes do not have fewer safety protections than residents in other community care settings.

Therefore, I am directing the California Health and Human Services Agency and the Department of Social Services to explore a workable regulatory model, including any necessary statutory changes, to allow such a pilot program to move forward. I am committed to working collaboratively on a regulatory model that preserves California's oversight and values while allowing for Medical Foster Homes to operate in our state.”

The author's office indicates that that he is working with the relevant state agencies to amend the bill to avoid another veto.

Committee comments:

Discussion of how to authorize and implement this program through statute is increasingly detailed, and given the veto of the previous iteration of this proposal, it is increasingly apparent it should be given a hearing in the Human Services Committee.

Previous legislation:

AB 1821 (Gordon), Chapter 650, Statutes of 2014, established the Medical Foster Home Pilot Program from June 1, 2015, until January 1, 2018, which authorized a USDVA facility to establish a medical foster home that is not subject to licensure or regulation as a residential care facility for the elderly, a community care facility, or a residential care facility for persons with chronic, life-threatening illness, pursuant to specified federal requirements. Existing law required the USDVA facility establishing the home to agree to be subject to the jurisdiction of the California State Auditor, and further required the USDVA to obtain criminal background information for caregivers and specified individuals residing in the home.

The authority granted by AB 1821 was never exercised, however, and so no audit was conducted.

AB 2607 (Berman, 2018) would have re-authorized the Medical Foster Home Pilot Program. In background materials, the author cited “complications at the federal level relating to the background check process” as a principle reason for the program’s failure to launch. The provisions in AB 2607 governing background checks were therefore different from those in its predecessor legislation. Rather than requiring the USDVA to collect fingerprints from MFH caregivers and other non-veteran residents living in the home, and submit them to the Department of Justice for background checks, this bill piggybacked on the existing independent home care aide background check and registration provisions in Division 2 Chapter 13 Article 4 of the Health and Safety Code, by requiring MFH caregivers to be registered independent home care aides. This eliminated the role of the U.S. Department of Veterans Affairs in processing background checks. However, AB 2607 died in the Assembly Committee on Appropriations.

AB 550 (Flora, 2019) was identical to this bill in substance. It was vetoed by the governor.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 2837 (Cristina Garcia) – As Introduced February 18, 2022

SUBJECT: Vehicles: disabled veterans

SUMMARY: Reduces the disability rating required to meet the definition of “disabled veteran”, for motor vehicle purposes, to 70%.

EXISTING LAW:

- 1) For motor vehicle purposes, defines a “disabled veteran” as any person who, as a result of injury or disease suffered while on active service with the armed forces of the United States, suffers any of the following:
 - a) Has a disability which has been rated at 100 percent by the Department of Veterans Affairs or the military service from which the veteran was discharged, due to a diagnosed disease or disorder which substantially impairs or interferes with mobility.
 - b) Is so severely disabled as to be unable to move without the aid of an assistant device.
 - c) Has lost, or has lost use of, one or more limbs.
 - d) Has suffered permanent blindness, as defined in Section 19153 of the Welfare and Institutions Code.
- 2) Requires the Department of Motor Vehicles to issue to a qualifying veteran a disabled veteran placard or license plates.
- 3) Permits a vehicle with a disabled veteran license plates or placard to use designated disabled parking spaces.
- 4) Exempts from all fees for duplicate license plates, duplicate certificates, or duplicate cards, for a single vehicle subject to registration, and that is not used for transportation for hire, compensation, or profit, any of the following:
 - a) A disabled veteran.
 - b) A former American prisoner of war.
 - c) The surviving spouse of a former American prisoner of war who has elected to retain the issued special license plates issued.
 - d) A Congressional Medal of Honor recipient.
 - e) The surviving spouse of a Congressional Medal of Honor recipient who has elected to retain the issued special license plates.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS: *Purpose:* According to the author:

“AB 2837 addresses one component of what constitutes a “Disabled Veteran” in California Vehicle Code. Of the four circumstances defining what is a disabled veteran the most controversial relies on a disability rating that could rate a veteran with more than one service related injury over 100%, or on the lower side percentage wise. This bill solely modifies the rating requirement of what is a disabled veteran. California like other states administers the Disabled Veteran License Plate program; for entry into the program a veteran must meet one of the four criterion stipulated in Vehicle Code as prerequisite. In 2020 there were 81,000 veterans rated at 100%, however an additional 120,000+ veterans were rated between 70 & 90%. I recognize there are four criteria of which any one meet the requirements that allow entry into the DVLP program, however we could make it easier for those veterans rated at 70%+ and show appreciation for their sacrifices.”

Disability Rating and Compensation by the U.S. Department of Veterans Affairs (USDVA):

Disability ratings are assigned in 10 point increments, from 10 to 100 percent. A 100-percent disabled veteran is very likely going to depend heavily upon disability compensation from the USDVA. The amount of compensation is based on the severity of the disability, and the size of the veteran’s household, including dependent parents.

It is difficult to determine what injuries or conditions with ratings between 70 and 90 percent would qualify a veteran under this bill. Some partial amputations are lower than 100 percent, but meet the criterion for limb loss. A 70 percent rating is awarded for “markedly severe residual weakness, pain or limitation of motion following implantation of (hip) prosthesis,” and may meet the definition of “substantial” impairment or interference with mobility.

Committee comment: The purpose of the disabled veteran license plate is to grant use of disabled parking spaces to veterans who have been disabled through military service to a degree that necessitates the use of those parking spaces, under criteria unique to disabled veterans. This bill amends the required rating from 100 percent to 70 percent, but it does not change the requirement that the connected disability “substantially impairs or interferes with mobility.” Any single one of the other three eligibility criteria is also sufficient to establish eligibility. It is not immediately clear whether this change will substantially expand the number of veterans who will qualify for disabled veteran plates. If it does, this may result in increased demand for disabled parking spaces.

Related legislation:

AB 408 (Frazier, Chaptered by Secretary of State - Chapter 42, Statutes of 2020) required the Department of Motor Vehicles (DMV) to accept a certificate certifying a veteran is disabled for the purpose of a disability license plate from a County Veteran Service Officer (CVSO) or the Department of Veteran Affairs (CalVet).

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 2898 (Fong) – As Introduced February 18, 2022

SUBJECT: Property taxation: exemption: principal residence: veterans and their unmarried surviving spouses

SUMMARY: Increase exemption amounts, for the purpose of property tax exemptions, to \$200,000, or \$300,000 if the household income of the claimant does not exceed \$40,000, as adjusted for inflation. Specifically, **this bill:**

1. Increases from \$100,000 to \$200,000 the property tax exemption available to an eligible disabled veteran homeowner, their spouse, or their surviving spouse, as specified.
2. Increases from 200,000 to \$300,000 the property tax exemption available to an eligible disabled veteran homeowner, their spouse or their surviving spouse, as specified, provided the qualifying homeowner's annual household income does not exceed \$40,000 for the relevant assessment year.
3. States the bill's provisions apply for the property tax lien dates for the 2023–24 fiscal year and for each fiscal year thereafter.

EXISTING LAW:

- 1) Provides a disabled veteran's property tax exemption for the principal place of residence of a veteran, the veteran's spouse, or the veteran and veteran's spouse jointly, and the unmarried surviving spouse of a veteran, as provided, if the veteran is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service, or if the veteran has, as a result of a service-connected injury or disease, died while on active duty in military service.
- 2) Exempts that part of the full value of the residence that does not exceed \$100,000, or \$150,000 if the household income of the claimant does not exceed \$40,000, as adjusted for inflation, as specified.
- 3) Requires the state to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS:

Purpose: According to the author:

“Veterans of the United States military dedicate their lives to serve. Their sacrifice allows us to enjoy the freedoms we have every day. One way to show gratitude to those who served our country is to decrease their tax burden. To further show our appreciation, we need to help curb our state's affordability crisis for disabled veterans by increasing their property tax

exemption threshold as property values and home prices continue to rise. Many veterans' especially disabled veterans are living on fixed incomes making it hard for them to afford the increasing prices of homes and the accompanying rising of their property taxes."

Committee comments: This bill raises the property tax deduction available to an eligible disabled veteran or their surviving spouse from \$100,000 to \$200,000 and from \$100,000 to \$300,000 in the case of eligible homeowners whose household income does not exceed \$40,000, and argues this is necessary because of the state's affordability crisis. The exemption is already indexed to inflation. As of last year, the exemption amounts were \$147,535, and \$221,304 for households whose annual income did not exceed \$66,251 (inflation-adjusted from \$40,000.)

Disability Rating and Compensation by the U.S. Department of Veterans Affairs (USDVA):

Disability ratings are assigned in 10 point increments, from 10 to 100 percent. A 100-percent disabled veteran is very likely going to depend heavily upon disability compensation from the USDVA. The amount of compensation is based on the severity of the disability, and the size of the veteran's household, including dependent parents. Under current compensation rates, a 100 percent disabled veteran with no spouse or dependents would receive a base monthly compensation of \$2973.86, while a 100 percent disabled veteran with a spouse and one child would receive \$3,261.10. This is only a base rate, and does not include Special Monthly Compensation (SMC) that may be awarded based on additional needs, including the need for attendance or for a specific disability.

Related legislation:

- 1) AB 2254 (Lackey, 2018) would have exempted fully from property tax the personal residence for both a totally disabled veteran and the veteran's unmarried surviving spouse. AB 2254 is pending hearing by the Assembly Appropriations Committee.
- 2) SB 404 (Stone, 2018) would have similarly provided a full exemption for both parties. SB 404 was held on the Senate Appropriations Committee's Suspense File.

Prior legislation:

- 1) SB 1104 (Stone), of the 2015-16 Legislative Session, would have similarly provided a full exemption for both parties. SB 1104 was held on the Senate Appropriations Committee's Suspense File.
- 2) AB 1556 (Mathis), of the 2015-16 Legislative Session, would have increased the exemption amount to \$2.1 million of assessed value to both parties. AB 1556 was held on the Assembly Appropriations Committee's Suspense File.
- 3) SB 1183 (Bates), of the 2015-16 Legislative Session, would have increased the exemption amount to \$1 million of assessed value to both parties. SB 1183 was held on the Senate Appropriations Committee's Suspense File.

Double-Referral: This bill is double-referred to the Assembly Committee on Revenue and Taxation.

REGISTERED SUPPORT / OPPOSITION:

Support

AMVETs, Department of California
California Association of County Veterans Service Officers

Opposition

None on File

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AB 2952 (Gabriel) – As Amended March 29, 2022

SUBJECT: Driver's licenses: veteran designation

SUMMARY: This bill would allow an applicant for a driver's license or identification card, who served for another country in military operations that supported the United States during the Vietnam War and later became a naturalized citizen, to request a "NON-US VIETNAM VETERAN" designation on their driver's license or identification card. Specifically, **this bill:**

- 1) Allows an applicant for a California driver's license or identification card, who served for another country's armed forces in military operations that supported the United States during the Vietnam War and later became a naturalized citizen to request that the phrase "NON US VIETNAM VETERAN" be printed on the face of their issued card.
- 2) Permits the Department of Motor Vehicles to consult with the Department of Veterans Affairs to determine the proof necessary to verify an applicant's veteran status.
- 3) Requires the department to charge, in addition to specified existing fees, a one-time fee of five dollars to any person who requests the "NON-US VIETNAM VETERAN" designation;
- 4) Permits the department to increase the fee by regulation, in an amount not to exceed fifteen dollars, to reimburse the department for its reasonable costs in processing and issuing a request for a license or card issued under this bill.
- 5) Forbids the department from charging a fee for a request made under this bill by either of the following persons:
 - a) A person who has been determined to be eligible to obtain an original or replacement identification card at a reduced fee through their eligibility for specified assistance programs;
 - b) A person who can verify their status as a homeless person.

EXISTING LAW:

- 1) Requires the Department of Veterans Affairs to develop a verification form in consultation with DMV and the California Association of County Veterans Service Officers. A county veteran's service office verifies a person's veteran status and signs the verification form, and DMV then accepts the signed verification form as proof of an applicant's veteran status.
- 2) Upon payment of a fee and verification of an applicant's veteran status, requires DMV to print the word "veteran" on the face of a driver's license or identification card.
- 3) Requires DMV to charge a one-time additional fee of \$5 to a person applying for a driver's license or identification card with a veteran designation and authorizes DMV to increase the fee to not more than \$15 to cover its reasonable costs.

- 4) Prohibits DMV from charging a fee for an original or replacement identification card to a person who can verify his or her status as a homeless person or homeless child or youth.
- 5) Prohibits DMV from charging a fee for an original or replacement identification card to a person who can verify that they meet eligibility requirements for certain public assistance programs, as specified.
- 6) Requires the DMV to charge an applicant \$34 for the issuance or renewal of a driver's license.

FISCAL EFFECT: This bill has not been analyzed in a fiscal committee.

COMMENTS: In 2014, Governor Brown signed AB 935 (Frazier), Chapter 644, Statutes of 2014, requiring DMV to issue driver's licenses and identification cards with a veteran designation to eligible applicants, beginning November 2015. The purpose of the designation was intended to give veterans an efficient means of proving their eligibility for benefits and discounts instead of carrying their discharge papers, the DD-214, on their persons at all times. It further provided incentive for veterans to visit their County Veteran Service Officer, who could in turn help them determine what, if any, benefits they may be eligible for. At the time, the San Diego Union Tribune found that California veterans may be losing out on \$400 million in federal benefits.

AB 935 was also said to an alternative to veterans carrying around copies of their discharge document, the DD-214, enhancing their privacy and the security of their documentation.

This bill would permit the Department of Motor Vehicles to consult with the California Department of Veterans Affairs to determine how to substantiate proof of an applicant's status. This would appear to be prohibitively difficult. Among U.S. allies in the Vietnam War were Australia, the Republic of Korea, New Zealand and others, some formally, others informally.

Previous legislation:

AB 935 (Frazier), Chapter 644, Statutes of 2014, requires the DMV to offer a driver's license or identification card printed with the word "veteran" to an eligible applicant.

AB 363 (Quirk-Silva), Chapter 579, Statutes of 2017, prohibits the DMV from charging the one-time \$5 fee to a person applying for a driver's license or identification card with a veteran designation if the applicant is homeless or is determined to have a current income level that meets eligibility requirements for certain public assistance programs. Commences July 1, 2019.

AB 1873 (Oberholte)

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion, Post 628.

Opposition

None on file.

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AJR 17 (Waldron) – As Introduced May 25, 2021

SUBJECT: Military behavioral health care

SUMMARY: Urges the President and the Congress of the United States to take all measures to ensure that military veterans can access necessary treatment for mental health and substance abuse disorders in a timely manner. Specifically, **this resolution:**

1) Makes the following findings:

- a) Adrian Darren Bonar, a United States Army veteran who served three tours of duty in Iraq, was murdered in October 2019; and
- b) Mr. Bonar returned from serving his country admirably and faithfully and experienced post-traumatic stress disorder and substance abuse problems; and
- c) Mr. Bonar sought treatment for the problems he experienced, but there were many obstacles and delays. If treatment for veterans was more readily accessible, Mr. Bonar could have avoided the dangerous life of addiction that ultimately led to his murder. Without expanding access to needed services, more veterans will sadly follow in Mr. Bonar's footsteps; and
- d) Mental health and substance use disorders are serious and tragic public health problems that can be curtailed through increased awareness, resources, and proper treatment; and
- e) Mental health and substance use disorders affect all Americans, but data shows that active duty service members and veterans experience these problems at much higher rates than the civilian population; and
- f) In 2017, veterans accounted for 13.5 percent of all deaths by suicide among United States adults and constituted 7.9 percent of the United States adult population, indicating a substantial gap between the services veterans need and the help they actually receive, and the number of veteran's deaths stemming from unaddressed substance abuse and other behavioral health issues is unknown, but likely substantial; and
- g) A 2016 report found that, among veterans who served in Iraq and Afghanistan, mental health diagnoses accounted for the greatest number of United States Department of Veterans Affairs Veterans Health Administration (VHA) service visits per veteran, while a 2015 report found that the proportion of older veterans receiving VHA care who had a mental illness increased by 57 percent between 2005 and 2013; and
- h) The rising number of veterans with behavioral health needs has raised legitimate concerns about the health care system's capacity to serve this population. Researchers and advocates have called attention to mental health professional shortages, professional burnout among military and mental health service providers, and the importance of military cultural competence when working with service members and veterans; and

- i) A 2019 Veterans of Foreign Wars article indicated that within the United States Department of Veterans Affairs (VA) system alone, health professionals are tracking more than 64,000 veterans with opioid disorders and quoted Dr. Karen Drexler, the VA's national mental health program director for substance abuse disorders, as saying that the prevalence of the painkillers is alarming. This point is underscored by the fact that the VA's tally of opioid use disorder for current and former service members has more than doubled since 2002; and
 - j) Wait times for mental health services continue to pose a significant impediment to effective care. For example, in San Diego, one VA clinic is not accepting new patients, while two other clinics report wait times of 26 and 25 days, respectively, for mental health services; and
 - k) We must recognize that the tragic epidemic of veteran mental health and substance abuse disorders is taking the lives of those who have most heavily borne the burden of protecting and serving their country, in the past and present; and
 - l) It is critical that effective, scientifically proven, and timely services are available for all eligible veterans; and
 - m) This resolution endeavors to promote awareness of the problem of substance abuse and mental health disorders and the particular epidemic facing the military population, and encourages President Joseph Biden's administration, the United States Congress, and the United States Department of Veterans Affairs to take swift action to alleviate the mental health and substance abuse scourges plaguing those who have served our country.
- 2) Resolves that the Legislature hereby urges the President of the United States, the United States Congress, and the United States Department of Veterans Affairs to take all measures to ensure that military veterans can access necessary treatment for mental health and substance abuse disorders in a timely manner, ensuring veterans the level of care to which their honorable service to our country entitles them.
 - 3) Resolves that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

EXISTING LAW:

Establishes the Veterans Benefits Administration and the Veterans Health Administration within the United States Department of Veterans Affairs, which provides a variety of benefits and services to Servicemembers, Veterans, and their Families.

FISCAL EFFECT: This resolution is not keyed fiscal.

COMMENTS:

According to the author: “Those who have served our country are now having to fight the hardest battle in their lives when they come back home. Mental health and substance use disorders have plagued our veteran communities for too long. They fought for us overseas, it is time we fight for them when they are home.”

REGISTERED SUPPORT / OPPOSITION:

Support

AMVETs- Department of California
California Professional Firefighters

Opposition

None on File

Analysis Prepared by: Jenny Callison / M. & V.A. / (916) 319-3550

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

James Ramos, Chair

AJR 19 (Eduardo Garcia) – As Introduced August 30, 2021

SUBJECT: Deported veterans

SUMMARY: Urges the federal government to implement and streamline the process for service members and veterans to become citizens immediately, halt deportations of veterans, and pardon all veterans who have been deported and bring them home. Specifically, **this bill:**

1) Makes the following findings:

- a) Nearly 24,000 noncitizen immigrants are currently serving in the Armed Forces of the United States and 5,000 more join every year; and
- b) Noncitizen members and foreign-born veterans put their lives on the line to defend this country and yet are deported from the country they love, leaving their families behind, leading to mental trauma. For many this is the only country that they have ever known and English is the only language they have ever learned; and
- c) On June 23, 2021, United States Senator Alex Padilla from California chaired the Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Safety for a hearing to honor veterans and military families by examining immigration and citizenship policies for United States military service members, veterans, and their families; and
- d) The hearing highlighted that resources are not easily accessible for military members and that reinstating programs stripped in 2018 would help solve naturalization process issues, the negative impacts of deportation on military members in regard to military readiness and military families' access to counsel, and that the critical role immigrants perform in serving the military is not reflected in our immigration policy and that previous and recent policies have led to a 72-percent decrease in military naturalizations; and
- e) Combat veteran and United States Senator Tammy Duckworth from Illinois released a report titled "Immigrant Veterans: Deported By The Same Nation They Sacrificed To Defend," which detailed the history of immigrants enlisting in the Armed Forces of the United States, the complicated path to military naturalization, and barriers deported veterans face in accessing United States Department of Veterans Affairs' benefits; and
- f) The report highlighted that immigrant service members possess critical skills that enhance military readiness and strengthen national security, that for more than 200 years, the United States government has passed laws, promulgated policies, and created initiatives that provide service members an expedited path to citizenship, that immigrants willing to serve and defend our nation deserve a real opportunity to earn citizenship, and that it is the United States government's responsibility to uphold this promise for those who bravely served; and
- g) In July 2021, the administration of President Joe Biden announced a plan to support noncitizen service members, veterans, and the immediate family of service members to

provide a pathway to citizenship for deported veterans and to bring hundreds, possibly thousands, of deported veterans and their immediate family members back to the United States, saying their removal “failed to live up to our highest values”; and

- h) United States Secretary of Veterans Affairs Denis McDonough stated, “It’s our responsibility to serve all veterans as well as they have served us – no matter who they are, where they are from, or the status of their citizenship. Keeping that promise means ensuring that noncitizen service members, veterans, and their families are guaranteed a place in the country they swore an oath – and in many cases fought – to defend”; and
 - i) United States Secretary of Homeland Security Alejandro Mayorkas stated, “We are committed to bringing back military service members, veterans, and their immediate family members who were unjustly removed and ensuring they receive the benefits to which they may be entitled;” and
 - j) Immigrants who serve in the Armed Forces of the United States are eligible to become citizens without waiting the normally required years that green card holders must wait, but they must still apply and move through the bureaucratic process. That process can be difficult, especially for service members who are stationed overseas or on remote bases; and
 - k) Over the past two decades, thousands of noncitizens enlisted in the Armed Forces of the United States, provided critical contributions to operations in Afghanistan, Iraq, and elsewhere. Despite their service, the United States government deported perhaps thousands of these veterans from the nation they fought to defend; and
 - l) There is no record of how many United States military veterans have been deported, but advocates have identified hundreds across the globe who are stuck outside of the country they served; and
 - m) Noncitizens have played critical roles in every war that the United States has fought.
- 2) Resolves by the Assembly and the Senate of the State of California, jointly, that the Legislature calls upon the federal government to implement and streamline the process for service members and veterans to become citizens immediately, halt deportation of veterans, and pardon all veterans who have been deported and bring them home; and be it further
- 3) Resolved, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

EXISTING LAW:

- 1) Requires CalVet to develop a transition assistance program to help California veterans successfully transition from military to civilian life.
- 2) Requires the transition assistance program to include, but not be limited to, the following California-specific information: higher education benefits, vocational training assistance,

small business resources, health care programs and services, mental health resources, military sexual trauma resources, and housing information.

- 3) Requires that the transition assistance program for veterans shall provide information to noncitizens who are leaving military service in California or who have already been discharged from military service in California on how to become United States citizens, including information on where to acquire state legal assistance.

FISCAL EFFECT: This resolution is not keyed fiscal.

COMMENTS: U.S. service members, veterans, and their families may be eligible for certain immigration benefits in recognition of their important sacrifices. Specifically, veterans and current service members may be eligible to become U.S. citizens through naturalization under special provisions of the Immigration and Nationality Act (INA). These provisions reduce or eliminate certain general requirements for naturalization, including the requirements for the applicant to have resided in and been physically present in the United States for a specific period of time before naturalizing.

Authorization for the Military Accessions Vital to the National Interest (MAVNI) program (PDF) expired on Sept. 30, 2017, contributing to a decrease in military naturalizations. The MAVNI program, authorized by the Department of Defense in 2008, allowed certain individuals who were not U.S. citizens, nationals, or lawful permanent residents to enlist if they had skills considered vital to the national interest.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

Analysis Prepared by: Christian Burkin / M. & V.A. / (916) 319-3550