

Date of Hearing:

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Jacqui Irwin, Chair

AB 305 (Maienschein) – As Introduced January 25, 2021

SUBJECT: Veteran services: notice

SUMMARY: Requires specified government agencies to include questions on their intake and application forms that are intended to determine whether the person filling out the form is a veteran of the U.S. Armed Forces or related to one, and requires that information to be shared with the California Department of Veterans Affairs (CalVet), provided that consent has been granted by the person in question. Specifically, **this bill:**

1. Requires the California Community Colleges, Board of Governors of the California Community Colleges, Department of Aging, State Department of Developmental Services, Housing Finance Agency, California State University, Department of Community Services and Development, Department of Fish and Wildlife, Department of Motor Vehicles, Department of Rehabilitation, Employment Development Department, and the State Department of Health Care Services, and requests that the University of California:
 - a. At the next scheduled update of intake or application forms, include in those forms the following:
 - i. An option for a person to indicate whether they are affiliated with the Armed Forces of the United States by asking both of the following:
 1. “Have you ever served in the military?”
 2. “Has an immediate family member ever served in the military?”
 - ii. An option for a person who identifies as being affiliated with the military as above to grant their consent to be contacted regarding eligibility to received state or federal veterans benefits by including the following statement: “I consent to this agency transmitting my name, email address, mailing address and mobile telephone number to the Department of Veterans Affairs for this purpose only, and only after I have been notified that this transmittal will occur.”
 - iii. A statement of potential eligibility for state and federal services, with contact information for the Department of Veterans Affairs.
2. Requires each specified agency, and requests of the University of California, to electronically transmit to the Department of Veterans Affairs all of the following information if provided regarding each person who has identified that they or a family member has served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about military, veterans, family member, or survivor benefits:
 - a. True, full name.
 - b. Email address.

- c. Mailing address.
 - d. Mobile telephone number.
3. States that information obtained by the Department of Veterans Affairs under this bill's section shall be used only to assist individuals in accessing benefits and shall not be disseminated except as needed for that purpose.

EXISTING LAW: Government Code Section 11019.11.:

1. Requires every state agency that requests on any written form or written publication, or through its Internet Web site, whether a person is a veteran, to request that information only in the following format: "Have you ever served in the United States military?"
2. Applies only to a written form or written publication that is newly printed on or after July 1, 2014.

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

COMMENTS:

According to the author:

"Ensuring that our veteran population is provided with the information and resources they need to find the benefits that best suit them should be a priority in California. Closing the disconnect between service providers and service members is just one step we can take to ensure that our veterans are treated with the respect they deserve."

Members of the U.S. Armed Forces who separate from the military and transition to civilian life in California, are not, as a matter of routine, identified to the California Department of Veterans Affairs by their individual services, the Department of Defense or the U.S. Department of Veterans Affairs. This can pose a problem of expectations for state and local agencies whose missions include serving veterans. There are a number of state or state-funded initiatives aimed at closing this information gap, variably pitched as connecting veterans with benefits (the California veteran driver's license or I.D. card), or saving the state money (the Public Assistance Reporting Information System, which covers far more than just veterans.)

Veterans should have a right to privacy, and as this committee has long insisted, a right to disappear. That is, a veteran should have right to not disclose their status, and to decline benefits for which they may be eligible. However, so long as the disclosure is unambiguously voluntary, there is little risk that asking someone whether they ever served in the military will do harm, and the likelihood that it may do some good.

We should, however, exercise some prudence about how frequently we ask. This bill would add these two questions to "any intake or application form" issued by the specified agencies. That could be a lot. The author and the bill's sponsors may wish to consider the number of forms and interactions this involves.

The author may also wish to re-consider the inclusion of the question about immediate family members. First, this is likely to elicit many affirmative responses, and it is not clear to what

benefit. Second, though “immediate family member” means parents and siblings, it is unpredictable how commonly understood that is. This may result in a lot of low quality data.

In repealing current Government Code Section 11019.11, the bill also eliminates an existing requirement that state agencies that request veteran status use specified phrasing. The amended requirement instead applies only to the specified agencies. The author may wish to consider how many agencies would be newly exempted from this requirement, and whether simple repeal poses any unintended consequences.

Arguments in support

According to the Department of Defense:

“[AB 305] is designed to assist service providers in identifying veterans and families in order to provide better care. In various surveys, veterans have indicated that one of the top barriers to receiving care was that they “do not feel understood by the providers who serve them”. This initiative encourages states to engage all helping agencies (including healthcare, social services, housing, and education) to join in the effort in supporting those who have served our country. For various reasons, a Service member or veteran may not readily self-identify either for fear of stigma or simply because no one asked. Service providers in various state agencies can have a profound impact on these heroes and their care by connecting them to services and care through asking the simple question: “Have you or a family member ever served in the U.S. military?” By asking this question, providers may ask additional questions that would lead to improved identification of challenges and needs. Additionally, connecting service members, veterans and their families to the appropriate state Veterans Services agencies may increase their access to federal funding and support services to provide that care rather than relying solely on limited state funding.”

Arguments in opposition

None on file.

Prior legislation

Assembly Bill 258 (Chavez, 2013) required every state agency that requests on any written form or written publication, or through its Internet Web site, whether a person is a veteran, to request that information in a specified manner.

REGISTERED SUPPORT / OPPOSITION:

Support

U.S. Department of Defense
Military Services in California
San Diego Military Advisory Council

Opposition

None on file.

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