



Bill Analysis

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Sponsor:

Bill Number: AB 1911

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Introduced: January 9, 2020

Attorney: Shane Hofeling

Related Bills: See Legislative
History

SUBJECT

State Agency Veteran Information Request

SUMMARY

Under the Government Code, this bill would replace the requirement applicable to a state agency's request for a person's veteran status to instead require state agencies to include specific wording relating to a person's affiliation with the U.S. Armed Forces on any intake forms and report affiliation information to the Department of Veteran's Affairs.

This analysis only addresses the provisions that would impact the department.

RECOMMENDATION

No position

SUMMARY OF AMENDMENTS

None noted.

REASON FOR THE BILL

The reason for this bill is to provide the Department of Veterans Affairs with information on individuals affiliated with the United States Armed Forces to provide them with information on state and federal veteran services.

ANALYSIS

This bill, under the Government Code, would replace the current requirement for a state agency to use specified wording when requesting information on a person's veteran status to instead require state agencies to include the following wording on intake forms for purposes of contact regarding eligibility to receive state or federal veterans benefits:

- Have you ever served in the military?
- Has a family member ever served in the military?

- I consent to this state agency transmitting my name, email address, and mailing address to the Department of Veterans Affairs for this purpose only, and I have been notified that this transmittal will occur.

Each intake form would also be required to include a statement of potential eligibility to receive state and federal services and contact information for the Department of Veteran Affairs.

State agencies would be required to electronically transmit to the Department of Veterans Affairs the true full name, email address, and mailing address of each applicant that has indicated on an intake form that they or a family member has served in the U.S. Armed Forces and consented to contact from the Department of Veterans Affairs.

Effective/Operative Date

This bill would become effective and operative January 1, 2021.

State Law

Current state law requires state agencies that request on any written form or written publication, or through its Internet Web site, whether a person is a veteran, to use the following format: "Have you ever served in the United States military?"

Implementation Considerations

The department has identified the following implementation concerns. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

This bill uses terms that are undefined, i.e., "intake forms," "family member," and "applicant." The absence of definitions to clarify these terms could lead to disputes with taxpayers and would complicate the administration of this bill. For example, would "intake forms" include tax returns or other forms filed with or sent by the Franchise Tax Board (FTB)? Would "family member" be limited to immediate family? To ensure consistency with the author's intent and for ease of administration, this bill should be amended.

The phrase "served in the military" could be more broadly interpreted than the author intends. If this phrase is intended to refer to service in the U.S. Armed Forces, the bill should be amended.

This bill would require the FTB to electronically submit information such as an email address to the Department of Veterans Affairs. However, the FTB may not have the email address of an applicant who has consented to contact from the Department of Veterans Affairs.

The bill is silent on the length of time the consent to share information with the Department of Veterans Affairs applies. If requested, this bill would require the FTB to provide confidential taxpayer information to the Department of Veterans Affairs. Under the Information Practices Act, once an applicant provides consent, the consent is normally valid for thirty days, or the time listed on the consent. To ensure that the FTB would be able to provide information to the Department of Veterans Affairs, and to ensure consistency with the author's intent, the statute should be amended to state, "...notwithstanding Civil Code section 1798.24," or the consent statement should be modified to "I consent to this state agency transmitting my name, email address, and mailing address to the Department of Veterans Affairs for this purpose only, and I have been notified that this transmittal will occur. This consent is valid for 12 months.

The bill is silent on when and how often state agencies would be required to complete a "data transfer" to the Department of Veterans Affairs. For clarity and ease of administration, the bill should be amended.

Technical Considerations

The bill uses the undefined term "applicant" interchangeably with "person". For consistent use of terminology, this bill should be amended.

The reference to the "Department of Veteran Affairs" in paragraph 3 of subdivision (a) should be replaced with "Department of Veterans Affairs" for accuracy.

Policy Concerns

None noted.

LEGISLATIVE HISTORY

AB 258 (Chavez, Chapter 227, Statutes of 2013) requires, on or after July 1, 2014, 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.

PROGRAM BACKGROUND

None noted.

FISCAL IMPACT

The department's costs to implement this bill have yet to be determined. As the bill moves through the legislative process and implementation concerns are resolved, costs will be identified.

ECONOMIC IMPACT

Revenue Estimate

This bill as introduced on January 9, 2020, would not impact state income or franchise tax revenue.

This analysis does not account for changes in employment, personal income, or gross state product that could result from this bill or for the net final payment method of accrual.

LEGAL IMPACT

None noted.

APPOINTMENTS

None noted.

SUPPORT/OPPOSITION

To be determined.

ARGUMENTS

None noted.

LEGISLATIVE STAFF CONTACT

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