

Introduction to CVSO in the California Codes

Today, I'm here to talk about the California Codes and touch on California Code of Regulations (CCR), and how understanding these differences can assist you in making informed decisions about your county budgets and legislative needs.

Understanding California Codes

California Codes consist of 29 legal codes enacted by the Legislature. These codes encompass various areas such as the Military and Veterans Code (MVC), Vehicle Code, and Penal Code. Each code outlines specific laws and regulations that must be followed.

Example: M&V Code 970 allows counties to establish County Veterans Service Officers (CVSOs).

The CACVSO can influence these codes by:

- Sponsoring legislation.
- Supporting or opposing legislation with the help of the CACVSO Legislative Committee and lobbyists.

Understanding California Code of Regulations (CCR)

California Code of Regulations (CCR) are rules and regulations established under the Administrative Procedures Act (APA). These regulations are implemented in response to legislation passed in the California Codes.

Example: Subvention regulations, which provide detailed rules for funding allocations.

The Association can influence the CCRs by participating in the public rulemaking process, which involves:

- Comprehensive public notice and comment requirements.
- Availability of documents and information for public review.
- Creating a rulemaking record for review by the Office of Administrative Law (OAL) and the courts.

This presentation will cover:

- Some general aspects of the MVC which establish the duties of the state and counties to veterans, etc.
- The specific instances in which CVSOs are named in the MVC, which is put in place via the State Legislature.
- Veterans, servicemembers, National Guard, State Guard, and military dependents are addressed in hundreds of locations in many of the state's 29 Codes. All of California's codes can be accessed at:

<https://leginfo.legislature.ca.gov/faces/codes.xhtml>

This website also has various levels of search tools involving keywords.

Conclusion

Understanding these differences and how to navigate both the California Codes and CCR can empower you to make informed decisions about county budgets and legislative needs. Whether it involves introducing new legislation or updating existing regulations, this knowledge is crucial for effective advocacy and service to veterans.

CA M&V Code:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=MVC&tocTitle=+Military+and+Veterans+Code+-+MVC>

[Division 4: Veterans' Aid and Welfare \[690 - 1008.5\]](#)

Military and Veterans Code (MVC) Chapter 1: [Department of Veterans Affairs \[690 - 715\]](#)

This chapter outlines the roles, responsibilities, and powers of the Department of Veterans Affairs in California, particularly in relation to cooperation with federal entities and assistance to veterans.

- **Section 699.1:** If any public agency which has rendered a service provided benefits or furnished assistance to a veteran determines that the costs of rendering the service or providing the benefits or assistance are recoverable from the United States Department of Veterans Affairs it shall refer the matter to the county veterans service officer where applicable for action pursuant to Section 971 and shall assist the county veterans service officer in any way.
- **Section 699.5:** The department may assist every veteran of the United States and the dependent or survivor of every veteran of the United States in presenting and pursuing the claim as the veteran, dependent, or survivor may have against the United States arising out of military service and in establishing the veteran's, dependent's, or survivor's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this state. The department may cooperate and with the approval of the Department of Finance contract with any veterans service organization and pursuant to the contract may compensate the organization for services within the scope of this section rendered by it to any veteran or dependent or survivor of a veteran.

Chapter 2: Rendering and Recovery for Benefits [720 - 721]

- **Section 721:** If any public agency which has rendered a service provided benefits or furnished assistance to a veteran determines that the costs of rendering the service or providing the benefits or assistance are recoverable from the United States Department of Veterans Affairs it shall refer the matter to the county veterans service officer where applicable for action pursuant to Section 971 and shall assist the county veterans service officer in any way.

Chapter 5: Local Aid [920 - 975.5]

Article 2: Burial of Veterans and Dependents [940 - 955]

- **Section 951.5:** The public administrator of the county shall make every reasonable effort to determine if the unclaimed remains of a decedent referred to the public administrator belong to a veteran or the dependent of a veteran.
- **Section 955:** A county veteran service officer that determines pursuant to Section 951.5 that unclaimed remains are those of a veteran or dependent of a veteran and that the remains meet the criteria for interment by a veterans' remains organization shall report the following information to the Department of Veterans Affairs:
 - The name, rank, and branch of service of the deceased or if the deceased is the dependent of a veteran the name of the deceased and the name, rank, and branch of service of the eligible veteran.
 - Dates of service.
 - Location of the remains and a telephone number and name for the contact at that location.

Article 4: Administration [970 - 974.5]

- **Section 970:**
 - The board of supervisors of each county **may** appoint, prescribe the qualifications of, and fix the compensation of an officer to be titled "county veterans service officer."
 - It **shall** be the duty of the county veterans service officer to administer the aid provided for in this chapter, to investigate all claims, applications, or requests for aid, and to perform any other veteran-related services as requested by the county board of supervisors.
 - Two or more counties may jointly establish a single county veterans service office.
- **Section 971:**
 - The county veterans service officer **shall** assist every veteran of any war of the United States and every qualified former member and the dependents of every deceased veteran and every qualified former member in presenting and pursuing any claim.
 - The county veterans service officer shall present and pursue claims against the United States referred by any public agency pursuant to Section 721.
- **Section 972:**

- The board of supervisors **may** provide the county veterans service office with any assistance and facilities necessary.
- The compensation and expenses of the county veterans service office shall be a county charge, but the Department of Veterans Affairs **shall** pay each county a portion of those costs.
- **Section 972.1:**
 - The sum of \$500,000 is appropriated from the General Fund to the Department of Veterans Affairs for allocation during the 1989–90 fiscal year for purposes of funding the activities of county veterans service officers. Funds for allocation in future years shall be as provided in the annual Budget Act.
 - Funds shall be disbursed each fiscal year on a pro rata basis to counties that have established and maintain a county veterans service officer.
 - The department shall annually determine the amount of new or increased monetary benefits paid to eligible veterans by the federal government attributable to the assistance of county veterans service officers.
- **Section 972.2:**
 - There is in the State Treasury the **Veterans Service Office Fund**.
 - Commencing January 1, 1995, the Veterans Service Office Fund shall be **available upon appropriation by the Legislature to the Department of Veterans Affairs for allocation and disbursement to counties for the operation of county veterans service offices**.
 - Revenues from the special interest license plate fees for license plates issued pursuant to Article 8.1 of Chapter 1 of Division 3 of the Vehicle Code **shall be used to expand the support of county veterans service offices**.
- **Section 972.5:**
 - The Department of Veterans Affairs **may enter into an agreement** with the State Department of Health Services and the State Department of Social Services for purposes of obtaining federal matching funds **to contribute toward the salaries and expenses of county veteran service officers**.
 - The sums obtained each fiscal year pursuant to subdivision (a) shall be disbursed by the Department of Veterans Affairs to counties for payment of salaries and expenses of county veteran service officers.
- **Section 973:** The county veteran service officer **shall** have the power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public as a part of his duties in assisting veterans with respect to their affairs.
- **Section 973.4:**
 - The department may assist every veteran of the United States and the dependent or survivor of every veteran of the United States in presenting and pursuing the claim as the veteran dependent or survivor may have against the United States arising out of military service and in establishing the veteran's dependent's or survivor's right to any privilege preference care or compensation provided for by the laws of the United States or of this state.
 - The department may cooperate and contract with any veterans service organization and compensate the organization for services within the scope of this section rendered by it to any veteran or dependent or survivor of a veteran.

[Division 8: Veterans' Welfare \[1800 - 1840\]](#)

Chapter 4: Veterans in State Prison [1840 - 1840]

- **Section 1840:** The Department of Corrections and Rehabilitation shall develop guidance policies relative to the release of veterans who are inmates to assist them in pursuing claims for federal veterans' benefits or in establishing rights to any other privilege, preference, care, or compensation provided under federal or state law.

Penal Code - PEN

Part 3. Of Imprisonment and the Death Penalty [2000 - 10008]

Title 1. Imprisonment of Male Prisoners in State Prisons [2000 - 3105]

Chapter 4. Treatment of Prisoners [2650 - 2695.5]

[Article 6. Veterans In State Prisons \[2695 - 2695.5\]](#)

- **Section 2695:** The Department of Corrections and Rehabilitation **shall** develop guidance policies relative to the release of veterans who are inmates to assist them in pursuing claims for federal veterans' benefits or in establishing rights to any other privilege, preference, care, or compensation provided under federal or state law.

Government Code - GOV

Title 5. Local Agencies [50001 - 57607]

Division 1. Cities and Counties [50001 - 52203]

Part 1. Powers and Duties Common to Cities and Counties [50001 - 51298.5]

Chapter 1. General [50001 - 50290]

Article 4. Officers and Employees [50080 - 50089]

- **Section 50088:**
 - "Civil service system" as applied to a county or city or county means the approved local merit system (ALMS).
 - "Veteran" has the same meaning as in [Section 18973](#).
 - "**Veterans service office**" means an office established pursuant to Section 970 of the Military and Veterans Code.
 - When any city, county, or city and county has established a civil service system and entrance examination for the selection of appointive officers and employees, the board of supervisors or city council shall either implement a veterans' preference system giving preference to a veteran over other identically qualified applicants or shall adopt a resolution identifying reasons that it does not implement a veterans' preference system.

Vehicle Code - VEH

Division 3. Registration of Vehicles and Certificates of Title [4000 - 9808]

Chapter 1. Original and Renewal of Registration; Issuance of Certificates of Title [4000 - 5506]

[Article 8. Special Plates \[5000 - 5024\]](#)

- **Section 5007:** The department shall upon application and without additional fees issue a special license plate or plates to a disabled person or a disabled veteran.

Subvention Processes

1. State Funding Overview

- Reimbursement process involves counties fronting costs, with the state reimbursing later.
 - Previous goal of 50-50 funding between state and counties now implies but does not state this in current language.
2. **Highlights from Military & Veterans Code (M&VC)**
- **§970(a):** Allows for the appointment of a county veterans service officer who must be a veteran.
 - **§972(b):** Stipulates that compensation for the county veterans service officer is a county expense, partially reimbursed by the Department of Veterans Affairs based on performance.
 - **§972.1(a):** Future allocations are as provided in the annual Budget Act.
 - **§972.1(b):** Funds are disbursed on a pro rata basis, contingent upon performance and a baseline funding amount from the 1988–89 fiscal year.
3. **Highlights from California Code of Regulations (CCR) - Title 12**
- **§452(a):** Operational requirements for counties, including maintaining data reporting systems, financial records, and workload activity data.
 - **§452(b):** Submission of required reports within specified time frames.
 - **§452(c):** Certification of current fiscal year budget exceeding 1988-89 expenditure plus current allocation.
 - **§452(f):** Non-compliance with these requirements can result in funding reductions or exclusion from allocations.
4. **Timeline of Subvention Activities & Required Submissions**
- **July - Sept:** Submission of claims, reports, and budgets. Participation in workload unit audit.
 - **Oct - Dec:** Detailed reporting of prior fiscal year's expenditures and preparation for January submissions.
 - **Jan - Mar:** Submission of semi-annual reports and certification of compliance. Distribution of first subvention checks.
 - **April - June:** Preparation for July submissions and communication with Board of Supervisors regarding benefits obtained.
5. **Understanding the Allocation of Subvention Funds**
- **Components:**
 - **Administrative:** Flat amount allocated to each county.
 - **Training:** Specific amounts for continuing education and training.
 - **Performance:** Pro rata distribution based on workload activity units (WLUs).
 - **General Fund Local Assistance:** Performance plus administrative components should not exceed 50% of the CVSO's annual budget. Training funds are excluded from this limit.

References

- **Military and Veterans Code (M&VC):** [Division 4, Chapter 5, Sections 970-974.](#)
- **California Code of Regulations (CCR):** [Title 12, Division 2, Chapter 3, Sections 450-455.](#)
- **Subvention Manual:** Guides the implementation of the subvention process.