

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB321ER

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Lewis

3. **Committee:** Passed both houses.

4. **Title:** Department of Veterans Services; eligibility for veteran status under state and local laws; change.

5. **Summary:** Provides that any person who was separated from active military, naval, or air service with an other than honorable discharge due solely to such person's sexual orientation or gender identity or expression may petition the Department of Veterans Services (DVS) to have his discharge recorded with DVS as honorable. Persons whose discharge status is changed pursuant to such a petition must be afforded the same rights, privileges, and benefits authorized by state law and local ordinances as any other veteran who was honorably discharged.

6. **Budget Amendment Necessary:** Yes. Item 464.

7. **Fiscal Impact Estimates:** Final. See below.

8. **Fiscal Implications:** The proposed legislation will allow for persons who were discharged other than honorably from active service with the armed forces due solely to their sexual orientation, gender identity, or gender expression to petition the Department of Veterans Services (DVS) to have such discharge changed to honorable. Persons whose discharge status is changed pursuant to the bill shall receive the same rights, privileges, and benefits as any other honorably discharged veteran.

Currently, DVS has one attorney position who works with veterans who are looking to appeal their discharge type, advises them on the process involved, and refers them to pro bono law firms and legal clinics that may be able to assist. This position does not currently directly assist or legally represent veterans in their requests to upgrade their discharge status. If the intent of the bill is to require DVS to educate veterans on the process of obtaining an upgraded discharge status, how to find an attorney, and what state benefits they may be entitled to, DVS estimates it would need one attorney position at an estimated cost of \$140,000 annually.

If the intent of the bill is that DVS attorneys provide legal representation to veterans as they appeal their discharge status, it is estimated DVS will need two positions at an estimated cost of \$281,000 annually. These positions would represent veterans before service boards, write briefings, access military personnel records, and appear in court of these veterans' behalf.

DVS may need additional office staff positions to accommodate a large increase in the number of veterans clients accessing the agency's programs and services, but the number of positions needed and the costs associated with them are indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Veterans Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.