

MINUTES OF THE VETERANS AFFAIRS SELECT COMMITTEE

The meeting was called to order by Chairman Lee Tafanelli at 5:00 P.M. on February 13, 2006 in Room 234-N of the Capitol.

All members were present.

Committee staff present:

Amy Deckard, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Mike Corrigan, Revisor of Statutes
Gina Bowes, Committee Secretary

Conferees appearing before the committee:

Martin C. Boire, National Director of Support our Troops, Inc.
Carmen Alldritt, Director, Division of Vehicles, Department of Revenue
Jim Bunker, Veteran Information Network
Chuck Yunker, Adjutant, American Legion Department of Kansas
Jefferson Lawson, Past State Commander, Kansas Veterans of Foreign Wars
David Brader, Adjutant, Disabled American Veterans Department of Kansas

Others attending:

See attached list.

- Attachment 1 Overview of **HB 2746**
- Attachment 2 Mission Statement of National Support Our Troops, Inc.
- Attachment 3 Testimony by Carmen Alldritt, Director, Division of Vehicles
- Attachment 4 Testimony by James A. Bunker
- Attachment 5 Testimony by Charles M. Yunker, Adjutant, American Legion
- Attachment 6 Testimony by Jefferson D. Lawson, Past State Commander for Kansas Veterans of Foreign Wars
- Attachment 7 Testimony by David Brader, Adjutant, Disabled American Veterans

Hearing on HB 2746 - Support our troops license plate.

Hank Avila, Kansas Legislative Research, explained sections of **HB 2746** (Attachment 1) which authorizes the issuance of this license plate. Staff also explained the bill's amendment exempting the personalized license plate fee.

Martin Boire, National President/Director & CEO of Support our Troops, Inc., presented testimony in support of **HB 2746** (Attachment 2). Mr. Boire presented an overview of their charitable organization and how they are working in communities throughout the nation to help veterans and their families. Mr. Boire expressed concern that the different attendant start-up costs the state and other veteran organizations may have for the issuance of these plates may make the plates less accessible to Kansas citizens, thereby effectuating monetary loss to Support Our Troops aid to veterans and their families.

Carmen Alldritt, Director of Vehicles, Department of Revenue, presented testimony in a neutral position on **HB 2746**. (Attachment 3). Ms. Alldritt stated **HB 2746** as proposed, exempts the Support Our Troops organization from the required \$40 personalized plate fee and that to be consistent with other organizational distinctive license plates, the Division requested that this plate be subject to the same provisions. Ms. Alldritt stood for questions and clarified the \$40 personalized plate fee, stating the money goes into plate production which is separate from the initial development cost.

James Bunker, Veteran Information Network, presented testimony in a neutral position on **HB 2746**. (Attachment 4). Mr. Bunker expressed support for the license plate while expressing concern related to proceeds going to Support Our Troops, Inc., when the funds could be going to the existing relief fund established at the Attorney General's office. Mr. Bunker stood for questions.

CONTINUATION SHEET

MINUTES OF THE Veterans Affairs Select Committee at 5:00 P.M. on January 13, 2006 in Room 234-N of the Capitol.

Chair Tafanelli requested Mr. Boire of Support our Troops, Inc., return to explain the process by which monies are dispensed from Support our Troops, Inc. national organization back to the veterans of the state of Kansas. Mr. Boire stated the dispensation of all monies would come from the national organization's accounting firm with an independent accounting policy. Revenue would then be dispersed through existing entities at the state level; some within the armed forces, such as the Army Relief Fund, Marine Corp. Education Fund, the National Guard, and Family Readiness. Dispensation would also occur with local organizations who are aware of veterans' needs. Mr. Boire stated that with the revenue streams and factors the national organization has in place, there should be a 70% to 75% passthrough to the state level.

Chair Tafanelli closed the hearing on **HB 2746**.

Chair Tafanelli went on to the next order of business, a briefing on the Kansas Commission of Veterans Affairs and Veterans Service Organizations Joint Employment Agreement and recognized Representative Candy Ruff.

Representative Ruff gave the Committee a brief history of veteran organizations and services. She presented the Committee with a solution to improve service to veterans which is to dissolve the Joint Employment Agreement and go to a grant system.

Charles M. Yunker, Adjutant for the American Legion, Department of Kansas, presented testimony (Attachment 5) and spoke to the history of the relationship between the Kansas Commission on Veterans Affairs, the American Legion and the Veterans of Foreign Wars. Mr. Yunker stated that in the American Legion's view, the best way to provide services to the veterans of Kansas would be to establish a grant program with a duration of at least five years with the American Legion and Veterans of Foreign Wars which would report directly to the Legislature.

Jefferson D. Lawson, Past State Commander, Kansas Veterans of Foreign Wars presented testimony (Attachment 6) encouraging the Committee to strengthen the partnership with the American Legion and the Veterans of Foreign Wars for the purpose of serving the needs of Kansas veterans. He also expressed support of the grant system proposed by Representative Ruff.

David W. Brader, Adjutant, Disabled American Veterans, presented testimony (Attachment 7) requesting consideration be given to not only two Veterans Service Organizations, but to all Veterans Service Organizations.

Chair Tafanelli expressed his and the Committee's commitment for a workable solution to serve the needs of the increasing population of Kansas veterans now and in the future.

Mr. Yunker, Mr. Lawson and Mr. Brader stood for questions. General discussion ensued related to the variety of services, accreditation and certification offered by the Veterans Service Organizations in Kansas as well as other states.

The meeting adjourned at 6:35 p.m. The next meeting will be "on call of the Chair".

SELECT COMMITTEE ON VETERAN'S AFFAIRS

GUEST LIST

DATE: February 13, 2006

NAME	REPRESENTING
Jim Bunker	
Steve Hears	Disabled American Vet
JEFFERSON D. LAWSON	VFW
DARRELL BENCKEN	VFW
CHUCK YUNKER	AL
MARCE BENCKEN	VFW
David Brader	Disabled American Veterans
KEN Stodger	VFW
Marjorie A Bencken	VFW Aux
Ward Cook	Support Our Troops
Martin Boire	Support Our Troops
Bruce Jones	Support Our Troops
Teresa Vangerpen	Kansas Support Our Troops

HOUSE BILL No. 2746

By Committee on Transportation

1-27

9 AN ACT relating to motor vehicles; providing for the issuance of support
10 our troops license plates; amending K.S.A. 2005 Supp. 8-1,141 and
11 repealing the existing section.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) On and after January 1, 2007, any owner or lessee
15 of one or more passenger vehicles or trucks registered for a gross weight
16 of 20,000 pounds or less, who is a resident of Kansas, upon compliance
17 with the provisions of this section, may be issued one support our troops
18 license plate for each such passenger vehicle or truck. Such license plates
19 shall be issued for the same time as other license plates upon proper
20 registration and payment of the regular license fee as provided in K.S.A.
21 8-143, and amendments thereto, and the presentation of the annual logo
22 use authorization statement provided for in subsection (b).

23 (b) Kansas support our troops, may authorize the use of their logo to
24 be affixed on license plates as provided by this section. Any royalty pay-
25 ment received pursuant to this section shall be paid to Kansas support
26 our troops and shall be used to support the United States military families
27 in accordance with the by-laws of Kansas support our troops. Any motor
28 vehicle owner or lessee annually may apply to Kansas support our troops
29 for the use of such logo. Upon annual application and payment to Kansas
30 support our troops in an amount of \$35 as a logo use royalty payment for
31 each license plate to be issued, Kansas support our troops shall issue to
32 the motor vehicle owner or lessee, without further charge, a logo use
33 authorization statement, which shall be presented by the motor vehicle
34 owner or lessee at the time of registration.

35 (c) Any applicant for a license plate authorized by this section may
36 make application for such plates not less than 60 days prior to such per-
37 son's renewal of registration date, on a form prescribed and furnished by
38 the director of vehicles, and any applicant for such license plates shall
39 provide the annual logo use authorization statement provided for in sub-
40 section (b). Application for registration of a passenger vehicle or truck
41 and issuance of the license plate under this section shall be made by the
42 owner or lessee in a manner prescribed by the director of vehicles upon
43 forms furnished by the director.

SELECT COMMITTEE ON VETERANS
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ATTACHMENT 1

- 1 (d) No registration or license plate issued under this section shall be
2 transferable to any other person.
- 3 (e) Renewals of registration under this section shall be made an-
4 nually, upon payment of the fee prescribed in subsection (a), in the man-
5 ner prescribed in subsection (b) of K.S.A. 8-132, and amendments
6 thereto. No renewal of registration shall be made to any applicant until
7 such applicant provides the annual logo use authorization statement pro-
8 vided for in subsection (b). If such logo use authorization statement is
9 not presented at the time of registration, the applicant shall be required
10 to comply with K.S.A. 8-143, and amendments thereto, and return the
11 license plate to the county treasurer of such person's residence.
- 12 (f) Kansas support our troops shall:
- 13 (1) Pay the initial cost of silk-screening for license plates authorized
14 by this section; and
- 15 (2) provide to all county treasurers a toll-free telephone number
16 where applicants can call Kansas support our troops for information con-
17 cerning the application process or the status of their license plate
18 application.
- 19 (g) Kansas support our troops, with the approval of the director of
20 vehicles and subject to the availability of materials and equipment, shall
21 design a plate to be issued under the provisions of this section.
- 22 Sec. 2. K.S.A. 2005 Supp. 8-1,141 is hereby amended to read as fol-
23 lows: 8-1,141. (a) Any new distinctive license plate authorized for issuance
24 on and after July 1, 1994, shall be subject to the personalized license plate
25 fee prescribed by subsection (c) of K.S.A. 8-132, and amendments
26 thereto. This section shall not apply to any distinctive license plate au-
27 thorized prior to July 1, 1994.
- 28 (b) The director of vehicles shall not issue any new distinctive license
29 plate authorized for issuance on and after July 1, 1995, unless there is a
30 guarantee of an initial issuance of at least 500 license plates.
- 31 (c) The provisions of this section shall not apply to distinctive license
32 plates issued under the provisions of K.S.A. 8-1,145, and amendments
33 thereto.
- 34 (d) The provisions of subsection (a), shall not apply to distinctive li-
35 cense plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and
36 amendments thereto, or K.S.A. 2005 Supp. 8-1,153, and amendments
37 thereto, *or section 1, and amendments thereto.*
- 38 (e) (1) Any person or organization sponsoring any distinctive license
39 plate authorized by the legislature on and after July 1, 2004, shall submit
40 to the division of vehicles a nonrefundable amount not to exceed \$10,000,
41 to defray the division's cost for developing such distinctive license plate.
- 42 (2) All moneys received under this subsection shall be remitted by
43 the secretary of revenue to the state treasurer in accordance with the

1 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
2 each such remittance, the state treasurer shall deposit the entire amount
3 in the state treasury to the credit of the distinctive license plate fund
4 which is hereby created in the state treasury. All moneys credited to the
5 distinctive license plate fund shall be used by the department of revenue
6 only for the purpose associated with the development of distinctive li-
7 cense plates. All expenditures from the distinctive license plate applica-
8 tion fee fund shall be made in accordance with appropriation acts, upon
9 warrants of the director of accounts and reports issued pursuant to vouch-
10 ers approved by the secretary of the department of revenue.

11 (f) (1) Except for educational institution license plates issued under
12 K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall
13 discontinue the issuance of any distinctive license plate authorized prior
14 to July 1, 2004, and which is subject to the provisions of subsection (b)
15 if:

16 (A) Less than 500 license plates, including annual renewals, are is-
17 sued for that distinctive license plate by July 1, 2006; and

18 (B) less than 250 license plates, including annual renewals, are issued
19 for that distinctive license plate during any subsequent two-year period
20 after July 1, 2006.

21 (2) The director of vehicles shall discontinue the issuance of any dis-
22 tinctive license plate authorized on and after July 1, 2004, if:

23 (A) Less than 500 plates, including annual renewals, are issued for
24 that distinctive license plate by the end of the second year of sales; and

25 (B) less than 250 license plates, including annual renewals, are issued
26 for that distinctive license plate during any subsequent two-year period.

27 Sec. 3. K.S.A. 2005 Supp. 8-1,141 is hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its
29 publication in the statute book.

Support Our Troops, Inc.
 TIN: 33-1112829
 595-J West Granada Blvd
 Ormond Beach, FL 32174
 386-767-8882
 mail@SupportThem.com

"The enemy may snatch away a soldier's life, but they will not steal his family's future."

- Martin Boire



Support Our Troops

They stand up for us – let's stand up for them!™

"It's tough enough they sacrifice their lives for us – they shouldn't have to sacrifice their families' futures too."

Charitable financial dependability and revenue through multiple recurring revenue sources:

- Auto tags
- T-shirts and apparel
- Bumper Stickers
- Ribbons
- Decals
- Flags
- Pins



www.SupportThem.com



Seal of Assurance

When you purchase an item to show your patriotism don't you want to know your purchase price is going to help the troops and their families? You can. It's easy: Buy only products that bear the Support Our Troops Seal of Assurance. If it doesn't bear the Seal of Assurance, in most cases your money isn't going to the troops or their families.

Patriotic Private Money.

Official Support Our Troops™ products enable you to publicly declare your support for your troops, and muster patriotic private money to bolster the troops and families sacrificing to protect all of us. This is one of the highest moral obligations -- helping the troops and families of the troops protecting our families.

Who is Support Our Troops, Inc.?

S-O-T is a 501c3 nonprofit founded by civilians as a moral obligation from those of us who did not have to serve, to those of us who did. It is civilians voluntarily offering what is morally owed. We are average folks banded together to help the averages folks who are protecting all of us.

What We're Doing.

Support Our Troops, Inc. is built with the single goal in mind of supporting the families of the troops that support all of us. We're building a permanent national charity like the USO, which provides morale and entertainment to the troops, and the Red Cross which handles mail and visitation to the troops. Except this third national charity is focused on the families of those protecting us and provides a means by which we all can bolster the spouse and children of soldiers killed or injured defending all of us after September 11, 2001. Funds will be used to bolster the spouse and children of soldiers who are killed or injured protecting all of us. We are going to put the kids all the way through college, and help get them their first car – the kind of things that dad or mom would have done for them if they could have been there to do it.

Watch for the Support Our Troops License Plate!

We have an Official Support Our Troops license plate underway in DMVs and Legislatures across America. They will be available in about 40 states by Summer of 2006. The extra \$25 you pay for the plate supports the nonprofit work of Support Our Troops, Inc. Check TroopTag.com for the status!



This is an official publication of Support Our Troops, Inc., 595 West Granada Blvd, Suite J, Ormond 386-767-8882. mail@SupportThem.com

SELECT COMMITTEE ON VETERANS AFFAIRS

DATE 2-13-2006

ATTACHMENT 2

SUPPORT OUR TROOPS, INC.

Purpose

Guideposts.

If a man lost his life saving your children, what do you think morally you should do for his children?

If a man lost his life saving another's family, what should the other morally do for that man's family?

Support Our Troops is patriotic private money working for our fallen soldier's families.

The enemy may snatch away a soldier's life, but they will not steal his family's future.

SOT was founded by civilians as a moral obligation of those of us who did not have to serve, to those of us who did; it is civilians voluntarily offering what is morally owed.

We are average Joes banning together to help the averages Joes who are protecting all of us.

Our Goal.

SOT intends to put the kids all the way through college, and help get them their first car -- the kinds of things dad or mom would have done if they could have been there to do it, but lost their lives or were substantially injured protecting the rest of us after September 11, 2001.

What We're Doing.

Support Our Troops, Inc. is built with the single goal in mind of supporting the families of the troops that support all of us. We are building a permanent national charity like the USO, which provides morale and entertainment to the troops, and the Red Cross which handles mail and visitation to the troops. Except this third great national charity is focused on the families of those protecting us and provides a means by which we all can bolster the spouse and children of soldiers killed or injured defending all of us after September 11, 2001.

Please help us help them.

Support Our Troops, Inc. is an IRC 501(c)(3) organization and donations are tax deductible. With the donations and the revenue from our products we do those things for soldiers' families which they can no longer do.

Please lend your support.

G. V. Sonny Montgomery

January 31, 2006

Mr. Martin C. Boire, Chairman
Support Our Troops, Inc.
595 West Grenada Blvd.
Suite J
Ormond Beach, FL 32174

Dear Martin:

I am quite impressed with the concept of Support Our Troops, Inc. and the rapid progress that has been made on the foundation's stated mission. I believe the philosophy, guiding principles and method of operation that has been laid out is right on target and will certainly prove to be of great benefit to the type of military families it targets to support.

It is a great compliment to me that you and the Board would want me to serve as a member of the Support Our Troops Advisory Board, and I am pleased to accept your invitation.

I believe that my greatest accomplishment during the thirty years I served in the U.S. Congress was my support of the military and its veterans, especially through the passage of the Montgomery G. I. Bill. In my opinion, the accomplishment of the mission of Support Our Troops will also do tremendous good for those who protect this great nation.

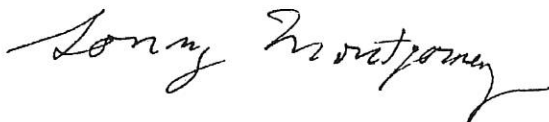
It is my hope that Legislators all across America will do everything they can to help Support Our Troops accomplish its innovative goals, and that civilians and the great businesses and corporations of America will help Support Our Troops build a truly great national charity for our troops and their families.

In stepping forward to permanently assist America's troops and their families, Support Our Troops is a true testament to the character of America's civilians. Honorable are the civilians who directly assist those who defend them and their freedom.

Support Our Troops has a truly bold vision of good things planned for our troops and their families over the next century, and I wholeheartedly endorse these efforts and encourage others to work with you and the board as well.

I look forward to seeing the troops' families receive the benefits of the new programs Support Our Troops is establishing.

Sincerely and with my best wishes,



G.V. Sonny Montgomery
Member of Congress 1967-97



K A N S A S

JOAN WAGNON, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

TO: Chairman Lee Tafanelli
Members of the House Select Committee on Veterans Affairs

FROM: Carmen Alldritt, Director
Division of Vehicles

DATE: February 13, 2006

SUBJECT: House Bill 2746 – Support Our Troops

Thank you Mr. Chairman and Committee Members. My name is Carmen Alldritt, and I serve as the Director of Vehicles for the Kansas Department of Revenue.

House Bill 2746 creates a new Distinctive License Plate for the Support Our Troops organization.

K.S.A. 8-1,141 sets out the requirements for all distinctive license plates. In general, distinctive license plates are subject to a minimum initial issuance of 500 plates, a \$40 personalized plate fee, and the sponsoring organization must pre-pay initial development and production costs.

As written, House Bill 2746 would exempt the Support Our Troops organization from the \$40 personalized plate fee, for persons who purchased the plate. To be consistent with other organizational distinctive license plates, the division requests that this plate be subject to the \$40 personalized plate fee as well.

House Bill 2746 indicates an implementation date for July 1, 2006. Contractual agreements between raw materials vendors and our plate manufacturer allow those vendors sixty days to produce our orders once received. This would mean the division would need a minimum of 120 days after the enrollment of this bill, to accommodate the development, purchasing, and production processes for this plate. Therefore, the division respectfully requests an implementation date of January 1, 2007.

Thank you, and I stand for questions.

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., TOPEKA, KS 66612-1588

Voice 785-296-3601 Fax 785-291-3755 <http://www>

SELECT COMMITTEE ON VETERANS
AFFAIRS

DATE 2-13-2006

ATTACHMENT 3

**Testimony of James A. Bunker
House Bill 2746**

Mr Chairman and members of the committee,

Thank you for letting me be here today to talk about my observation with House Bill 2746. This is also known as the "Support the Troops" bill and to me that is great. You see I entered the service in the 7's, when the term of support the troops was not used. Even though my uncles that went to Viet Nam told me of the treatment they had coming home, I was not going to let it stop me from what I wanted to do.

After Basic and AIT I went home by bus and found myself in the bus station in Chicago at midnight. Many in the station did treat me like a second class person, and with my next bus not due for six hours I was to say the least on edge. A former service member came and talked to me and spent the rest of the night till my bus came.

Later service members were told not to travel in uniform. For years they have been told not to use the military on job application. But that all changed with Operation Desert Shield/Storm.

That is when we saw the letter to any service members, and for some of my men it was the only mail they did get. Unlike Viet Nam, we came home to big parades. We saw a lot of support the troop signs, sign still out today.

So to have a license plate with "Support the Troops" is a grand idea. It is some thing we should have had decades ago.

The Kansas Gulf War Health Advisory Board was been working on the issue of needs of the latest operation to the gulf war. This started when I showed them what the state of Washington is doing. We need to not only help our troops with paying their bills or travel to Walter-Read to see their spouse; we need to fund a way to help them readjust to being back from the war. I feel our minute men of today will be having many of the problems that most veterans from combat have. That is dealing with PTSD. We need to let them not only know of the signs, we need to make sure their families, and faith leaders know. We need to help them so they can keep being a productive part of our state. Many veterans that get PTSD self medicate by drugs and or drinking. Their family life also falls apart. I feel this is a good way to raise fund to do some thing to help our troops

I just have a problem with is that the proceeds raised with this bill is going to form a new group that is going to use it to help our troops. We do not need to send the funds to where most of the money raised may go to just run the group.

We have something in place right now where the money can go. What we need is a balloon amendment that will change were the proceed is going, to where they will go into the relief fund at the AG office. We should make sure that the money will help all Kansas military personal and their family, active, reserve and guard.

Thank you,
James A. Bunker

**SELECT COMMITTEE ON VETERANS
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ATTACHMENT 4

Select Committee on Veterans Affairs

Testimony presented by
Charles M. Yunker, Adjutant
The American Legion, Department of Kansas
February 13, 2006

Thank you for providing me this opportunity to speak to you today about the relationship between the Kansas Commission on Veterans Affairs, The American Legion and the Veterans of Foreign Wars. In the 1930's a Division of Veterans Services was formed within the Department of Social Welfare. Shortly after World War II at the urging of the American Legion and VFW, the Kansas Office of Veterans Affairs was established to provide a State Approval Agency in order to manage the influx of veterans taking advantage of the American Legion authored and VFW backed Servicemen's Readjustment Act of 1944 (commonly known as the G.I. Bill of Rights). In 1951 the Division of Veterans Services and the Kansas Office of Veterans Affairs was combined into the Kansas Veterans Commission, a Division of the Department of Social Welfare. In 1953 the KVC was established as an independent state agency and was given the responsibility of operating the Kansas Soldiers Home at Ft. Dodge. Later the KVC was placed under the authority of the Department of Human Resources where it was forgotten and often treated as an unwanted stepchild especially when budgets had to be reduced. In 1986 the American Legion and VFW with some help of the DAV were successful in restoring independent agency status and the KVC was renamed the Kansas Commission on Veterans Affairs. Since that time the KCVA has been given the added responsibility of operating the Kansas Veterans Cemetery System and the Kansas Veterans Home in Winfield.

Throughout the history I have just outlined to you one thing remained constant; the partnership between the state and its two largest Veterans Service Organizations (VSO), the American Legion and VFW. In fact as far back as 1951 and 1953 K.S.A. 73-1211 established a dual employment arrangement whereas "All claims filed with the federal veteran's administration by the Kansas veterans commission shall be prosecuted by an accredited representative of one of the participating veterans' organizations. No employee of any veterans' organization shall participate in or receive any funds hereinafter appropriated or made available to the Kansas veterans commission unless such employing veterans' organization shall prosecute any and all claims to the federal veterans' administration that are referred to them or their employees by the Kansas veterans commission." Simply stated K.S.A. 73-1211 indicates

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ATTACHMENT 5

participating VSO (the American Legion and VFW) are our employees and they can not receive any funds appropriated (including state salaries) to the KCVA unless those dual employees accept any and all claims. Therefore beginning in 1951 the American Legion began paying our employees \$50.00 per month as a stipend to their state salary and I assure you they accept any and all claims. Our stipend has never been the "dirty little secret" or the "drug deal" as the current Executive Director of the KCVA has often referred to our portion of the Veteran Service Representatives (VSR) total salaries. We have refused to disclose the amount of the current stipend because of privacy issues but we have never denied its existence or tried to hide it.

In 1997 concerns arose regarding the fair labor standards act therefore a Memorandum of Agreement and a Memorandum of Understanding was worked out and signed between the Legion, VFW and the KCVA that was satisfactory to all, including the Attorney General's Office and the Division of Personnel. Basically it was agreed that the effected VSO would sit in on interviews of prospective employees assigned to the VSOs federally provided office space in the VA Medical Centers and for the most part those VSRs where under the direct control of the KCVA; the exceptions being taking comp time to participate in or attend VSO sponsored out reach programs and training. From the Legion's perspective those out reach programs include our Veterans Affairs tours wherein over 300 communities are visited seeking out veterans who would like to file a claim with the VA, training local Post Service Officers (often the first person a veteran contacts when wanting to file a claim), attending District and State Conventions to answer questions about VA benefits, and attending annual national training at our organization' expense.

Skipping forward a bit; in recent years vacancies in the offices of the American Legion and VFW have been allowed to remain vacant and some FTE positions have been shifted to other KCVA locations. The VFW used to have 3 VSRs and two OA's; one of the VSR positions has been shifted to the KCVA central office and an OA position was shifted to the cemetery at Ft. Dodge. A little more than three years ago the American Legion at the KCVA's request, "loaned" a VSR to the VFW for "6 months". That VSR would still be there today if he hadn't come down with lung cancer 5 months ago. Here in Topeka it seems the American Legion office has been turned into a training facility because in the last six years the remaining VSR has trained three people only to see them assigned elsewhere; including two that were transferred to KCVA's Central office. For more than two years the KCVA refused to fill a Legion-VFW shared AO in Leavenworth resulting in the VSR having to close his office in order to catch up on paper work normally handled by the AO. On at least one occasion the Legion's Leavenworth VSR worked

from 8am one day until 4am the next day, went home to shower and eat then reported back at 8am for another full day of work. Likewise the work load of the Legion VSR in Topeka has forced him and his AO to lock the door and illegally sneak into their office on Saturdays in order to catch up on work. In the meantime the KCVA Executive Director has refused to fill vacancies despite having the funding to do so unless the Legion and VFW agree to allow him to place "pure" KCVA personnel in our VA provided offices. In other words we are expected to accept whomever he hires, place our reputation at risk by accrediting those individuals, and train them at our expense but we can not use them for our outreach programs nor have any supervision over them. Don't get me wrong; we do not wish to supervise them on a daily basis. We do however expect them to assist as many veterans as possible during normal business hours.

Unfortunately I believe the relationship between the KCVA and the American Legion and VFW has deteriorated almost beyond repair. A special committee was formed to discuss our differences however that committee was stacked against the Legion and VFW from the outset and while we were negotiating the Executive Director was sought out a ruling from the Ethics Commission over our stipend. That ruling states in part "We note from the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulations applies to your inquiry is not covered by this opinion." In other words KCVA only asked the Ethics Commission about K.S.A. 46-215 and purposely did not ask about K.S.A. 73-1211 which established the relationship between KCVA, the American Legion and the VFW.

More recently the Executive Director sought an Attorney General's opinion whether or not the KCVA qualified as a Veterans Service Organization from the view point of the VA. The answer is yes and the Executive Director has presented testimony to the Senate Ways and Means Committee that the KCVA can file VA claims on behalf veterans and can appeal those claims all the way to Washington. I've attached a copy of an email I received from our Washington office which addresses the Executive Director's testimony about the appeals process which I would like to read.

In the American Legion's view the best way to service the veterans of Kansas would be to establish a grant program with the American Legion and Veterans of Foreign Wars which would report directly to the Legislature. We would ask that the grants be large enough to fill all vacant positions to include one VSR and one half AO in our Leavenworth office, two VSRs and one AO

in our Topeka office, and finally four VSRs and two and a half AO's in our Wichita office where all claims with American Legion power of attorney must pass through. The American Legion would require a grant of \$415, 435.00 which represents the current salaries received by those individuals currently staffing those offices (including starting salaries for the vacant positions). We assume the majority, if not all would choose to be employed by our organization thus would be leaving State employment. Currently the KCVA is reviewing positions upgrades for the agency; if approved, we ask that our grant be increased to \$474, 597.00. We would also ask that this grant program be given a life span of at least five years so as to give it a chance to work and adjustments be made (including annual salary increases equal to that which may be given to state employees).

-----Original Message-----

From: Smithson, Steve R.
Sent: Friday, February 10, 2006 4:21 PM
To: Sommer, John F.
Cc: Gaytan, Peter S.
Subject: Kansas

To: John F. Sommer, Jr., Executive Director

I have reviewed the Kansas Attorney General Memorandum (RE: Authority of KCVA VSRs In Handling Veterans Claims), dated January 30, 2006. I also consulted with attorney Ron Abrams, NVLSP, in this matter. The Kansas Attorney General is correct in that the KCVA is recognized by VA as a VSO and therefore KCVA representatives can fully prepare, prosecute and present veterans' claims to the VA just like representatives of any other recognized VSO. However, Kansas veterans who are represented by The American have a distinct advantage in that they have access to additional resources and representation when their claims are appealed to the Board of Veterans' Appeals (BVA) in Washington, D.C. The American Legion has a fully staffed appeals office, including medical consultant, located at the BVA. Additional support is also provided by a 40 plus strong National VA&R staff and the National Veterans Legal Services Program, consultant to The American Legion. As KCVA does not have staff or other resources in Washington, D.C., their representation of the veteran/appellant would end at the Regional Office. Kansas veterans represented by The American Legion receive additional representation and argument by National American Legion Appeals Representatives at the BVA. Additionally, if a Kansas veteran who is represented by The American Legion moves out of state, the Legion would continue to be his/her representative. A KCVA veteran who moves out of state would end up having to find a new POA.

Steve Smithson, Deputy Director for Claims Service
National VA&R Division

TESTIMONY BY JEFFERSON D. LAWSON, PAST STATE COMMANDER
KANSAS VETERANS OF FOREIGN WARS
FOR HOUSE VETERANS AFFAIRS SELECT COMMITTEE

Chairman:

Members of the Committee:

Thank you for providing the veterans of the state of Kansas this opportunity to come before you today to speak about HB 2565, what it does and why it came about. Unlike what a few would have you believe, this bill is not about control, but about service to veterans. Veterans live in all 105 counties and virtually every community in Kansas. For 60 years now the State and the veterans' service organizations have worked together reaching and supporting veterans in filing claims. This has been a partnership that has worked well, making the best use of minimal state dollars by partnering with those service organizations that had the ability to reach the widest number of veterans in all counties. I would ask you to look at the information, especially that provided by the Director of the KCVA, and realize that while it might be well intended, there are few, if any verifiable facts to back up his statements, except information he feels you can only understand if he analyzes it for you. This is not about the KCVA, not the AL & VFW, its about a partnership and using the 85,000 plus members, their 500 plus posts and partnering with the state to serve all veterans.

Last year both the House and the Senate recognized this partnership with unanimous votes and resolutions read in this building on the floor of both the senate and the house. The veterans organizations were there to accept these gracious words of thanks and to commit ourselves to making efforts to continue and even improve on this partnership.

We were shocked and more than a little disappointed when the other partner in this relationship though invited, chose not to participate. We were further disappointed last October when the Director of the KCVA stood in front of the joint budget committee, some of those same Legislators who were insightful enough to applaud this relationship, and say, "you did not know what you were supporting." For one person to think he knows what is best for all veterans and knows better than you and the veteran citizens he is supposed to be committed to is, in the Veterans of Foreign Wars opinion wrong. Wrong because it is the wish of a large number of veterans in the state, wrong because it was at the direction of this commission that this initiative was started. HB 2565 supports the unanimous resolution you passed last year. HB 2565 complies with the wishes of the KCVA Commission who on numerous occasions have said "it's the law, if you don't like it, change it". So we ask for this bill to change the law. What is HB 2565 doing? It is simply putting into law what has served the Kansas veterans for 60 years now and creating opportunities for this partnership to grow to serve more veterans. When this partnership started, with the KCVA and the service organizations, offices were opened across the state to assist veterans. We supported the KCVA in getting donated space in many communities for offices, we also provided space in our posts for them to meet with veterans on their itinerant routes. Still today, many posts open their doors at no charge to these service officers so they can meet with veterans. To understand the changes we propose, lets look at the law it effects. KSA 73-1211 and it's intent. 73-1211 was written to allow the veterans and the Veterans commission to partner in providing services in a manner that guaranteed uninterrupted service to the veteran and gave them the best chance in getting their claim for earned entitlements approved. We provided post service officers in over 500 communities that were available to initiate the initial contact and refer individuals to KCVA offices across the state, we provide room for KCVA VSR's to work and meet with veterans, we provide a platform at our conventions and post

meetings for KCVA VSR's to reach veterans, we support the KCVA in their efforts to market the cemeteries and nursing homes. We donate to these programs as well as appearing before you to support adequate funding of these programs. But for some reason, in the last couple years, the KCVA has sought to sever this partnership. A partnership is not a one way street, in exchange for our support, we ask for something in return. We asked that we be allowed to use the VSR's under our accreditation. In doing, so, we found they were untrained so we asked that they be given time off from their daily duties for training. Training that makes them the experts, they go to guys for other KCVA staff. We also recognized they had additional assignments and workload compared to field office staff, both in the offices and in the VA hospitals and after hours for the service organization that accredited them. We also found that with this training they were ideal candidates for federal positions in these same hospitals and after expending money for training both the service organization and the State would lose them. So we decided to supplement these additional duties through a stipend. As you know, recently due to an ethics commission opinion, that we feel did not include all relevant facts, stipends were stopped, another reason for this bill. And as a direct result of this we have already had one individual resign his KCVA position for a job with the Federal VA hospital for more money to make up for his loss of the stipend. As we said earlier every partnership should have something to contribute, from a veterans organization standpoint, they should be able to bring to the table a platform for the KCVA to present from this means a presence in communities across the state, we have that. They should represent the veterans the KCVA serves, one state recently came under fire because they were giving grants to service organizations that had no members and did no claims work in that state. We feel this change will preclude that irresponsible situation from happening in Kansas.

The Director of the KCVA has met with a number of you and expressed his concerns about the MOU and these offices, indicating such issues as fairness. So we feel we need to address them also. He talks about FSLA and potential liability, we feel a proper MOU could address that by saying, yes, there is a joint employment relationship and we think it is good and we have an agreement that acknowledges it and compensates these employees accordingly. Is it fair that the KCVA partners with the two largest service organizations? Yes! There are a limited number of state dollars, what is the best way to spend them? Do you give money simply because someone has an office in the hospital or should you look at their strengths outside of just 3 cities in Kansas? How many VVA, PVA, MOPH programs have the ability to reach large numbers of veterans across the State? How many of them can provide the support we do. These are very good organizations, many of the members of these organizations are also AL/VFW members, so when you partner with us, you have the ability to serve them. What about the DAV, is excluding them unfair? No, because by their national bylaws, they can not participate. They choose to be excluded unless they are given a number of special considerations. The Director indicated that he felt he needed multiple accreditations, DAV can't give him that, but the two large service organizations already do. All VFW and AL accredited VSR's carry dual accreditation from the KCVA and the service organizations, some carry more than these two. The DAV and the Director have repeatedly said this system is unfair but in 1997 when the first MOU was drafted, the DAV said they did not want to participate because they did not want the accountability. We have no problem with accountability. The director says it is not fair because people coming into our offices in the hospital are tied to that service organization. We disagree, we will complete any claim for any veteran, never soliciting membership. Only one organization, that we are aware of, looks at potential membership and that is the DAV, who, on their forms have a specific question as to membership eligibility for membership in the DAV.

We can spend all day addressing our differences of opinion, but I would prefer to close with why should you pass HB 2565. It allows and strengthens a long standing partnership. It saves the state money in training, office space, equipment and staff. The AL and the VFW provides support in every post across the state for outreach, meetings etc. at no cost to the state. The AL and VFW have extensive legal and medical staffs in Washington DC. dedicated to helping veterans in the appeals process and available to answer questions to our accredited VSR's and through them every VSR in Kansas. The AL and the VFW provide multimillion dollar errors and omissions liability insurance policies to protect those VSR's we accredit. By approving these changes you will strengthen veteran services by supporting the wishes of Kansas veterans, keep in place a partnership that brings millions of dollars in benefits to the state and save the state large general fund expenditures, but mostly, you will be doing the right thing by veterans in every county in the State. Don't turn your backs on our 85,000 members, the spouses, dependents and widows that depend on this partnership, pass this bill out of committee and encourage the Executive Director and the Governor to follow the lead you started last year in supporting Kansas Veterans. When this partnership was forged 60 years ago there were an estimated 150,000 veterans in Kansas, they were served by 15 districts because of this partnership. While Kansas has almost 100,000 more veterans now than we did back then, we are able to serve them with an even greater level of care. This is happening, thanks to you, the Legislature, for your ongoing leadership and support, past KCVA Commissions and Directors that worked with the service organizations, and a true commitment not to build another bloated state agency, but the commitment to serving the needs of Kansas Veteran Citizens in a non-partisan, non-political atmosphere. Your passage of HB 2565 will assure the new Kansas veterans created by the ongoing war on terror returning home get the same or possibly even better service than veterans from WWII to the Gulf War received in Kansas.

VETERANS OF FOREIGN WAR
NATIONAL VETERANS SERVICE TRAINING

1. VFW National Veterans Service expends \$400,000.00 annually for training state veterans service officers.
2. Training requirements are mandated by our NVS committee. The minimum requirements must be met in order to receive and maintain accreditation with the Department of Veterans Affairs.
 - a) Initial Training (new hires) mandatory 30 hours - Washington, D.C.
 - b) Basic Skill Level Training - less than 4 years experience - 40 hours (proficiency testing)
 - c) Advanced Skill Level Training - 4-12 years experience - 32 hours (proficiency testing)
 - d) Senior Skill Level Training - 12 years + experience - 28 hours (proficiency testing)

(see attached courses of study)

NATIONAL VETERANS SERVICE
PHASE 1
INITIAL TRAINING
WASHINGTON, D.C.

TRAINING SCHEDULE

Monday

VFW WASHINGTON OFFICE

8:15 a.m.-9:00 a.m.	DIRECTOR'S FORUM
9:00 a.m.-9:15 a.m.	BREAK
9:15 a.m.-10:10 a.m.	HISTORY OF THE VFW
10:10 a.m.-10:20 a.m.	BREAK
10:20 a.m.-11:00 a.m.	NVS HEALTH OPERATIONS (INCLUDING
11:05 a.m.-11:45 a.m.	THE TACTICAL ASSESSMENT CENTER)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:15 p.m.	COMPLETION OF VA FORMS
2:15 p.m.-2:30 p.m.	BREAK
2:30 p.m.-3:15 p.m.	VA FORMS (cont'd)
3:15 p.m.-3:25 p.m.	BREAK
3:25 p.m.-4:00 p.m.	NVS AUTHORITY AND FUNCTIONING

Tuesday

VFW WASHINGTON OFFICE

8:15 a.m.-9:15 a.m.	ISSUE IDENTIFICATION/CLAIMS SUBMISSION
9:15 a.m.-9:30 a.m.	BREAK
9:30 a.m.-10:30 a.m.	ISSUE IDENTIFICATION (cont'd)
10:30 a.m.-10:40 a.m.	BREAK
10:45 a.m.-11:45 a.m.	BASIC DEVELOPMENT
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:15 p.m.	IMPORTANCE OF REFERENCE MATERIAL
2:15 p.m.-2:30 p.m.	BREAK
2:30 p.m.-3:15 p.m.	INTRODUCTION TO DECISIONS (RATING AND AUTHORIZATION)
3:15 p.m.-3:25 p.m.	BREAK
3:25 p.m.-4:00 p.m.	INTRODUCTION TO DECISIONS (cont'd)

Wednesday

8:15 a.m.-9:00 a.m.

BOARD OF VETERANS APPEALS

PROCESS OF CORRECTION OF DISCHARGE,
OBTAINING MEDALS AND MILITARY
VERIFICATION

9:00 a.m.-9:15 a.m.

BREAK

9:15 a.m.-10:15 a.m.

NATIONAL VETERANS SERVICE
RESPONSIBILITIES

10:30 a.m.-11:45 a.m.

BOARD OF VETERAN'S APPEALS PROCEDURES

11:45 a.m.-12:45 p.m.

LUNCH

12:45 p.m.-1:50 p.m.

TOUR OF BVA FACILITIES AND VFW/BVA
OFFICE (two groups)

2:00 p.m.-2:50 p.m.

THE VA'S APPEALS MANAGEMENT CENTER

2:50 p.m.-3:10 p.m.

BREAK

3:10 p.m.-4:00 p.m.

BOARD OF VETERANS' APPEALS BRIEFING

Thursday

VFW WASHINGTON OFFICE

8:15 a.m.-9:00 a.m.

LEGISLATIVE BRIEFING

9:00 a.m.-9:15 a.m.

BREAK

9:15 a.m.-10:00 a.m.

TOUR OF VFW WASHINGTON OFFICE

10:00 a.m.-10:10 a.m.

BREAK

10:10 a.m.-10:45 a.m.

SUBMISSION OF A FORMAL APPEAL

10:50 a.m.-11:45 a.m.

11:45 a.m.-1:00 p.m.

LUNCH

1:00 p.m.-2:00 p.m.

INTERVIEWING THE CLAIMANT

2:00 p.m.-2:15 p.m.

BREAK

2:15 p.m.-3:10 p.m.

EXPLANATION AND SIMPLIFICATION OF
THE REGULATORY PROCESS

3:10 p.m.-3:20 p.m.

BREAK

3:20 p.m.-4:00 p.m.

THE REGULATORY PROCESS (cont'd)

Friday

VFW WASHINGTON OFFICE

8:15 a.m.-9:00 a.m.	OPERATION OF THE COURT OF APPEALS FOR VETERANS CLAIMS (CAVC)
9:00 a.m.-9:15 a.m.	BREAK
9:15 a.m.-10:00 a.m.	COURT OF APPEALS FOR VETERANS CLAIMS
10:00 a.m.-10:10 a.m.	BREAK
10:10 a.m.-11:10 a.m.	INTRODUCTION TO THE VETERANS INFORMATION MANAGEMENT SYSTEM (VIMS)
11:15 a.m.-11:45 a.m.	ANALYSIS OF RATING DECISIONS
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:00 p.m.	ANALYSIS OF RATING DECISIONS (cont'd)
2:00 p.m.-2:10 p.m.	BREAK
2:10 p.m.-2:45 p.m.	REOPENING A CLAIM VS. CLEAR AND UNMISTAKABLE ERROR
2:45 p.m.-3:00 p.m.	BREAK
3:00 p.m.-3:30 p.m.	GENERAL REVIEW and CLOSING

NATIONAL VETERANS SERVICE
BASIC SKILL LEVEL TRAINING SCHEDULE

Sunday

12:30 p.m.-1:00 p.m.	REGISTRATION
1:00 p.m.-2:20 p.m.	REVIEW OF 2005 BASIC SKILL LEVEL TEST
2:20 p.m.-2:40 p.m.	BREAK
2:40 p.m.-4:15 p.m.	REVIEW OF 2005 BASIC SKILL LEVEL TEST (cont'd)

Monday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Tuesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Wednesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)

Wednesday (cont'd)

2:40 p.m.-3:00 p.m. BREAK
3:00 p.m.-4:15 p.m. WORKSHOPS (continued)

Thursday

8:15 a.m.-9:30 a.m. WORKSHOPS (all day)
9:30 a.m.-9:50 a.m. BREAK
9:50 a.m.-11:40 a.m. WORKSHOPS (continued)
11:45 a.m.-1:00 p.m. LUNCH
1:00 p.m.-2:40 p.m. WORKSHOPS (continued)
2:40 p.m.-3:00 p.m. BREAK
3:00 p.m.-4:15 p.m. WORKSHOPS (continued)

Friday

8:15 a.m.-9:00 a.m. NVS DIRECTOR FORUM
9:00 a.m.-9:20 a.m. BREAK
9:20 a.m.-10:00 a.m. DIRECTOR'S FORUM (continued)
10:00 a.m.-11:15 a.m. VA CENTRAL OFFICE REVIEW OF PTSD AND
INDIVIDUAL UNEMPLOYABILITY CASES
11:15 a.m.-12:00 p.m. OPEN FORUM

TOPICS FOR WORKSHOPS

WORKSHOP #1

Basic Pension Purpose

- Pension Eligibility (understanding wartime periods)
- Recognizing Countable Income
- Computation of Pension Rate (including medical expenses)
- Special Monthly Pension
- Conditions of Reduction
- Annual Reporting
- Operation of Pension Maintenance Centers
- Appropriate Reference Material
- Practical Examples
- Understanding Rate Charts

WORKSHOP #2

- Gulf War Disabilities (eligibility)
- Gulf War Medical Research
- Character of Discharge
- Evaluation of Hearing Disabilities
- "Hospitalized" Rates
- Increases such as Paragraph 29 and 30
- Reduction of Special Monthly Compensation and Pension
- Disability Definitions within 38 CFR Part 4
- Civil Service Preference

WORKSHOP #3

- Calculation of the Bilateral Factor and Amputation Rule
- Evaluating Visual Disabilities
- General Policy of Ratings (dissecting Part 4)
- Death Benefits
- Death Compensation and Dependency and Indemnity Compensation
- Death Pension
- Special Monthly Benefits
- Case Problems resulting in Creation of Ratings

WORKSHOP #4

- Understanding Rating Schedule Reductions
- Dissecting 38 CFR/38 U.S.C./M21-1
- NVS Policy and Procedures
- Internet Research
- "Pot Luck" Problem Solving (including DeLuca ratings)
- VTMS
 - Basic Data Entry
 - Identifying Claims by Use of Diagnostic Codes
 - Completion of Forms
 - Monthly Reporting

ADVANCED VETERANS SERVICE
ADVANCED SKILL LEVEL TRAINING SCHEDULE

Sunday

12:30 p.m.-12:50 p.m.	REGISTRATION
12:50 p.m.-1:00 p.m.	PLEDGE OF ALLEGIANCE and INVOCATION
1:00 p.m.-2:30 p.m.	REVIEW OF 2005 ADVANCED SKILL LEVEL TEST
2:20 p.m.-2:40 p.m.	BREAK
2:40 p.m.-4:15 p.m.	REVIEW OF 2005 ADVANCED SKILL LEVEL TEST

Monday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Tuesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Wednesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:40 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH

Wednesday (cont'd)

1:00 p.m.-2:40 p.m. WORKSHOPS (continued)
2:40 p.m.-3:00 p.m. BREAK
3:00 p.m.-4:15 p.m. WORKSHOPS (continued)

Thursday

8:15 a.m.-9:00 a.m. NVS DIRECTOR'S FORUM
9:00 a.m.-9:20 a.m. BREAK
9:20 a.m.-10:00 a.m. DIRECTOR'S FORUM (continued)
10:00 a.m.-11:15 a.m. VA CENTRAL OFFICE REVIEW OF PTSD AND
INDIVIDUAL UNEMPLOYABILITY CASES
11:15 a.m.-12:00 p.m. OPEN FORUM (any remaining issues from the test,
workshops or training topics)

TOPICS FOR WORKSHOPS

WORKSHOP #1

Calculation of Improved Pension Rates
Unreimbursed Medical Expenses
Determining Compensation Rates
Powers of Attorney for Incompetent Veterans
Basic Delimiting Dates for Education Programs
Basic Rules Governing Chapter 32 Education Benefits
VTMS

WORKSHOP #2

Explanation of Monthly Rates for DIC before and after 1993
Calculation of Hearing Loss
Types of Separation from Active Duty
Reduced Evaluations Mandated by the Rating Schedule
Reference Manuals for VA Programs
Board of Veterans' Appeals Rules of Procedure
Applicable Time Limits for Appeals
NVS Policy and Procedure

WORKSHOP #3

Bilateral Factors and the Amputation Rule
Special Monthly Compensation - entitlement, rates and codes
Residuals of Cold Injuries
Rules for Presumptive Service Connection
Prisoner-of-War versus Internee Status
Hospitalized Rates for Special Monthly Compensation and Special
Monthly Pension
Priority Categories for Health Care
Denial of Medical Treatment based on Inability to pay Co-Payment
Ranges of Motion in Orthopedic Claims

NATIONAL VETERANS SERVICE
SENIOR SKILL LEVEL TRAINING SCHEDULE

Sunday

12:00 p.m.-12:30 p.m.	REGISTRATION, INVOCATION AND PLEDGE OF ALLEGIANCE
12:30 p.m.-1:40 p.m.	NVS DIRECTOR'S FORUM
1:40 p.m.-2:00 p.m.	BREAK
2:00 p.m.-3:00 p.m.	REVIEW OF 2005 SENIOR SKILL LEVEL TEST
3:10 p.m.-4:15 p.m.	

Monday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:45 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Tuesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:45 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH
1:00 p.m.-2:40 p.m.	WORKSHOPS (continued)
2:40 p.m.-3:00 p.m.	BREAK
3:00 p.m.-4:15 p.m.	WORKSHOPS (continued)

Wednesday

8:15 a.m.-9:30 a.m.	WORKSHOPS (all day)
9:30 a.m.-9:50 a.m.	BREAK
9:50 a.m.-11:45 a.m.	WORKSHOPS (continued)
11:45 a.m.-1:00 p.m.	LUNCH

Wednesday (cont'd)

1:30 p.m.-2:40 p.m. WORKSHOPS (continued)
2:40 p.m.-3:00 p.m. BREAK
3:00 p.m.-4:15 p.m. WORKSHOPS (continued)

TOPICS FOR WORKSHOPS

WORKSHOP #1

Improved Pension
 Recognizing Countable Income
 Computation of Pension Rate (including medical expenses)
Determining Compensation Rates
Readjustment Pay and Severance Pay
Understanding Delimiting Dates
VIMS

WORKSHOP #2

Explanation of DIC Rates
Separate Rating for Multiple Symptoms of a Disorder
Evaluation of Hearing Disabilities
Evaluating Skin Disorders
Temporary Total Evaluations
Time Limits for Appeals
Reduced Evaluations mandated by the Rating Schedule
Dependency
NVS Policy and Procedures
Protection of Service Connection

WORKSHOP #3

Calculation of the Bilateral Factor and Amputation Rule
Evaluating Visual Disabilities
General Policy of Ratings (dissecting Part 4)
Special Monthly Compensation (including codes)
Rules for Presumptive Service Connection
Rating of Arthritis
Rating Dental Conditions
General Rating Formulas in the Rating Schedule
Hospitalized Rates for SMC and SMP
Eligibility for Dental Care
Medical Definitions within the Rating Schedule
Priority Categories for Health Care

TESTIMONY BY
DARRELL BENCKEN, STATE ADJUTANT, KANSAS VETERANS OF FOREIGN WARS
FOR THE SENATE AND FEDERAL STATE AFFAIRS COMMITTEE
SUPPORTING THE PROPOSED CHANGES OUTLINED IN SB 428
AND NOT THE AMENDED VERSION

Background to SB 428:

SB 428 was developed in response to recent changes implemented by the KCVA that veterans, partnering veteran's service organizations, some staff at the VA on the local and at the national level, and members of this body of legislators have found detrimental to veteran services in Kansas. Changes like:

1) Leaving positions open in the service centers even after the legislature voted to restore funding to fill these positions.

a) For two years running the Legislature has provided funding to rehire vacant VSR position and the KCVA chose to ignore the wishes of the legislature saying often "We need to consolidate offices or the Governor will continue to cut us." When asked for the reason not to fill the positions we were then told the JEA is under review. When that no longer was acceptable to Kansas veterans we heard, well, they have to be pure KCVA employees. There were always plenty of reasons not to do the right thing by Kansas veterans. Sadly in the meantime while this was going on, veterans currently in the system were not getting the service they deserved and those wanting to come into the system were being underserved by poorly training overworked (according) to the executive director) VSR's. Even when directed by the Commission to fill these positions half hearted efforts were made to shift people in to these key regional office positions using untrained staff, temporary positions and staff from the least productive field office.

2) Getting an ethics opinion that changed the way veteran services is operated in Kansas by providing those involved with inaccurate slanted information.

a) When the question of stipends was brought up to the Ethics Commission, the director had a number of meetings with Ethics staff, not to provide them an unbiased question including all facts, but asking only if KSA 46-235 applied to Veteran service officers. What was not disclosed, in an unbiased way, is how the existing KSA 73-1211 fit. Whether because of the joint employment situation created by dual offices and shared services created an exemption for certain staff and allowed stipends. Because of this we feel a flawed opinion was given to the KCVA. As a result of that flawed opinion the veterans of the state of Kansas can no longer receive the best service possible from state employees. VFW asked for an opinion on KSA 73-1211 but have received nothing from the State Ethics Commission.

b) Stipends are not "that ugly little secret" some would have you believe, but part of the shared expense service organizations agreed to as part of the cost of their partnering with the State. Stipends have been a necessary part of this partnership not just because of duties performed after hours, while that may be part of it, stipends help the State compensate staff for duties that are essential to operating in a regional office under a service organization accreditation. Such as preparing an appeal, testifying before the BVA, providing meal tickets to veterans from the service organization. These are but a few of the extra duties of a Service Organization accredited employee that are not a part of this employee's duty description but are essential to work in the RO.

c) Some individuals would like you to believe these stipends were "gifts" to some VSR's and OA's. But it has been long recognized that VSR's and their assigned OA's on any given day, because of their unique situation in a service center, do work for both the KCVA and the service organization. It is also the common understanding that the staffs should be compensated by both since this work could not be confined to after hours only and still serve and provide proper service to veterans. For example, if the individual was meeting with a member of the service organization to discuss a VFW/AL service office issue it could directly affect his KCVA job. Training specifically oriented towards VFW or AL POA's could have a direct impact on his/her State job. Training provided as a VFW requirement would directly benefit him/her in their State position. All of these and other overlaps in service to veterans "the KCVA's mission" constitute the need for a stipend.

3) By misrepresenting the "Joint Employment" concept and the resulting MOU.

a) In spite of what some might want you to think, Joint Employment does not stem from the MOU, but the MOU was as a result of FLSA saying that a joint employment arrangement was created by the working situation. While some would like you to believe that simply saying the JEA is dead and by not signing the MOU they can limit the states liability, previous commissioners understood that the environment and working situation created the joint employment and the MOU was an effort approved by the Attorney General's office as a solution to the issue. For this reason, we feel the MOU must be solidified in statute making it incumbent upon this commission and other commissions to maintain a workable MOU to protect the State, the KCVA, service organizations and these extremely hardworking employees.

b) It is not the extracurricular work that neither warrants the need for the MOU nor creates the JEA. A joint employment situation exists because the state and the service organization formed a partnership to deliver veterans services, so we say, lets acknowledge that we work well together, save taxpayer dollars and move forward with a forward thinking document. You can not sever the joint employment simply by saying we have no MOU, it is a very complex issue and thinking that it is easy creates a major liability for the State.

4) For some reason the director thinks that just because KSA 73-1211 was written in 1953 it can be ignored or taken for granted. We have seen this same attitude with other State statutes. While this law was last reviewed then, it is still important to Kansas veterans. The executive director in his comments indicated that the verbiage is "unclear" and "no longer relevant". We strongly disagree, this statute was created to encourage a partnership between a State agency and private veterans service organizations. Why would a partnership that reduces the cost to the state, give better service to veterans and blocks an agency from be coming a bloated bureaucracy be no longer relevant.

a) You will hear a lot of comments from people testifying making unsubstantiated claims like, "we do 50% of the appeals work", but they have no proof, or "70% of veterans do not belong to the AL and VFW so they don't want anything to do with them." This of course would also mean 95% of veterans don't belong to the DAV so they want nothing to do with it. We don't believe that, and neither do the 85,000 members of our service organizations believe that. It's truly sad that an individual feels they have credibility by making these ludicrous statements and expecting you to believe it just because they make these wild accusations without any factual proof.

5) Does SB428 cut out the smaller service organizations with the provisions requiring them to be a 501©19, probably. So why would you want to do it? What is the best way to reach and assist the most Kansas Veterans? What is the best use of Kansas Commission on Veteran Affairs limited veteran services resources? Many members of the AL and VFW are also members of the DAV, Purple Heart, Ex-POW's and many other service organizations.

AL/VFW 501 (c) 19's	Other Service Organizations	KCVA
500 Posts to distribute information, be a point of contact and support the community	0-1	14 State funded offices
Represented in multiple communities in all 105 counties	0-1 in Wichita Only	Regular trips to some communities in some counties at state expense often depend of free use of AL VFW posts
Represent over 85,000 veterans	DAV 9,500 Others less than 5,000	N/A
AL/VFW Entered into a contract and take all claims referred and provide all requested feedback to the KCVA, including information on specific veterans on request, work as true partners.	Will not enter into partnership nor will most report back to the KCVA, DAV national charter stops them from entering into agreement with the KCVA	Have their own accreditation and want others to accredit them
All eligible partnered service center employees receive accreditation, some staff have multiple accreditations, use our space and assets to support non-AL/VFW POA's currently at no cost to the state.	DAV National prohibits cross accreditation	Want National accreditation
Provide national quality training to all accredited service center VSR's and provide a free resource to all State VSR's. (see attachments A thru D)	Smaller organizations that are eligible to participate may or may not provide training. May or may not have the quality necessary	Can provide training depending on state budget, quality in the past depended on the service organizations.
\$2,000,000 Errors and omissions policy protects VSR's we share	Not sure	100% state liability

6) If the state enters into a partnership shouldn't it try to get the most for it's dollars, the 501 © 1's are the organizations in your communities who to serve your veterans and who can provide the best use of state resources.

7) Grants. One of the issues is, should the state start a grant program, and if so, how would it be funded? Would the state reduce the number of FTE or would this be new dollars? If it is new dollars, the state would have to increase funding. If you decide to go to the grant program you must be very careful in it's handling and administration. One of the pit falls that you were not made aware of with the grant programs is, one state was providing funds to service organizations for doing nothing. In another state, the agency gave grants to all service organizations in the RO without accountability on production. For example, in one state a VSO received a grant and only handled one claim. Now using this logic, some opponents would be here saying 20% of the states with grant programs had severe accountability problems and while that would be fact, it would not be in the best interest of Kansas veterans. The other piece of erroneous information is that a lot of states give grants. We wanted to see what a lot meant, and came up with 5 states that provide grants.

8) You also heard that states were severing arrangements with service organizations, we came up with 23 that indicate they have an arrangement with service organizations of some type. In 11 states, members of their boards or commissions are recommended by the service organizations. We feel this shows a trend just the opposite of what you were led to believe, most states realize the important roll service organizations play, and promote cooperation between the state agency and the service organizations.

9) The VFW and it's partnership with Kansas. A lot has been said or inferred that a partnership with the Kansas VFW would be detrimental to Kansas veterans. We totally and emphatically disagree. The Kansas Veterans of Foreign Wars was chartered by our National organization July 5, 1921. That is 86 years of tireless service to Kansas veterans, their widows and children, not to mention the communities in which we live. One of our founding principles is to assist the sick, the needy and the afflicted and we have done that and will continue to do so. This year alone, the Kansas VFW has expended some \$1,700,000.00 in veteran services and hospital work. In addition our VFW community based posts and auxiliaries (173) has provided well over \$1,000,000.00 in community service work. Service to Kansas veterans and their families is not just *lip service*, it is our mission and our obligation, one we do not take lightly. This is why the Kansas VFW is confused and dismayed as to why the Executive Director and his commission want to sever all ties. History reflects that Kansas VFW State Service Officers are among the elite when it comes to representing veterans in gaining their earned entitlements from the Department of Veterans Affairs. Their knowledge, training, and continuing education is the finest that can be provided (see attachments) and we take pride in their professional abilities to deliver services to veterans in one stop. The Kansas VFW will stand shoulder to shoulder with any service organization that wants to honestly and earnestly deliver services to Kansas veterans and their dependents. However, we will fiercely oppose anyone who wants to dismantle a tried and true veterans entitlement delivery package. We are more than willing to discuss and even comprise with the commission as long as it 1) does not affect the ability of Kansas veterans receiving the best possible representation that they deserve. 2) It is not for the purpose of satisfying ones ego.

**DISABLED AMERICAN VETERANS
DEPARTMENT OF KANSAS
P.O. BOX 99, OSWEGO, KS. 67356
Phone: 620-795-4328 Fax: 620-795-4327**

February 13, 2006

Representative Tafinelli, Representatives, I would like to Thank You for the opportunity, to speak to you today.

Veterans are a very big concern to the Disabled American Veterans, we believe the Veterans should be treated with honor and respect that they deserve, in saying that, the House Bill should be about the Veterans not two Service Organizations.

The American Legion and the VFW would lead you to believe that they are the only two Service Organizations that can represent the Veterans in the State of Kansas and Washington D.C., This is not true.

The Disabled American Veterans, Department of Kansas has a membership of 9,998 of war time Disabled Veterans. We have done 28% of the new claims work and over 50% the appeals in Wichita Regional Office, as of last month. That is more claims than any other Organization. We are doing these claims with four full-time Service Officers, without State or federal funding or personal. The Disabled American Veterans take pride in helping Veterans, their Widows, Spouses and Dependents, getting what the Veteran has earned for serving this Great Country. The Disabled American Veterans will represent all Veterans, Widows, Spouses an

**SELECT COMMITTEE ON VETERANS
AFFAIRS
DATE 2-13-2006
ATTACHMENT 7**

charge. The Disabled American Veterans will take the outsourced claims from the KCVA at no charge to the State of Kansas.

The Service Organizations should employ their own Service Officers. The Kansas Commission on Veterans Affairs could outsourced their claims to the Service Organizations to be adjudicated. That way the KCVA would not be controlled by any one or two Service Organizations.

The joint employment is not a good thing. The KCVA should have complete control of their employee, without any Service Organizations telling them whom they can hire or that the Veteran has to be qualified for membership for their Organization.

The State of Kansas should recognize ALL VETERANS ORGANIZATIONS and not a select two. All Veterans Organizations should be treated equally.

Veterans should come first not Organizations.

On the third page is a list of Veterans Population, year ending 2004, as these is the most recent numbers published by the VA.



David W. Brader
Disabled American Veterans
Department of Kansas, Adjutant

Kansas

Year Ending 2004

Compensation and Pension

Estimated Veteran Population	246,359
Disability Compensation Recipients	23,485
Estimated Average Monthly Disability Compensation Costs by Residence	\$14,425,312
Estimated Annual Disability Compensation Costs by Residence	\$173,103,738
Disability Compensation by Age under 35	1,665
Disability Compensation by Age 35-54	7,834
Disability Compensation by Age 55-74	9,291
Disability Compensation by Age 75-84	3,733
Disability Compensation by Age 85 and over	962
Disability Pension Recipients by Residence	3,145
Estimated Average Monthly Disability Pension Costs by Residence	\$1,886,183
Estimated Annual Disability Pension Costs by Residence	\$22,634,194
Disability Pension by Age under 45	37
Disability Pension by Age 45-54	596
Disability Pension by Age 55-69	863
Disability Pension by Age 70-84	1,330
Disability Pension by Age 85 and over	319
Disability Compensation Recipients with Power of Attorney	16,320
Disability Pension Recipients with Power of Attorney	2,807