

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 14, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Goodwin
Christian Kramer
Chuck Yunker, American Legions
Dr. Lea Steele
Darrell Bencken, VFW
Major General Tod Bunting, Kansas Adjutant General
Harriet Lange, KS Assoc. Of Broadcasters

Others attending:

See attached list.

Senator Vratil requested a bill introduction that concerns the State Bank Commissioner, relating to the office of administrative hearings.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Staff provided an overview on **SB 276** and **SB 277** that deals with Veterans' Affairs.

SB 276 - Kansas veterans health program.

Chairman Brungardt opened the hearing on **SB 276**.

A Fiscal Note was provided. (Attachment 1)

Senator Greta Goodwin provided testimony for George Webb, the Executive Director, Kansas Commission on Veterans' Affairs, in favor of the bill. (Attachment 2) This bill seeks to amend earlier statutes regarding the Persian Gulf War Veterans' Health Initiative (PGWVHI). The Kansas Commission on Veterans' Affairs stands in support of changing the direction of the initiative in order to be more in line with current operations. The Legislature began this program and its intent was to take a hard look at the veterans of the 1990 - 1991 Persian Gulf War and examine the affliction of some which became known as Gulf War Illness (GWI). Using Kansas veterans in a detailed study, this program concluded that participation in the Gulf War manifested significantly higher incidents of GWI. Following the study, SGF for the program dwindled, and by SY 2004, there were no funds in the program, despite the existence of a board and no sunset clause to the initiative; the absence of funding meant that the board could not meet; with additional appropriations, the board is again meeting regularly. Due to the nature of the current war, troops are experiencing many more mental health problems, especially PTSD, traumatic brain injuries; and amputations.

The board felt that addressing these new problems was important, but the original charter of the PGWVHI was problematic; the earlier statute was not clear about an end date of the conflict, because the statute preceded the ongoing war, the makeup of the board, especially the medical/technical members, was geared to GWI and not current injuries, and even the name left in question the mission of the board.

Christian Kramer provided the testimony for James Bunker, a proponent of the bill. (Attachment 3) Ten

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 14, 2007 in Room 231-N of the Capitol.

years ago Mr Bunker was a member of and Chairman to the Gulf War Health Board until by statute he could no longer serve; since that time he has attended all the meetings and has helped with advice. The board was charged with keeping the Kansas Veterans informed and updated on the status of the study, and in doing this, there is still a lot to do in providing information and support to returning veterans.

Charles Yunker, The American Legion, appeared as an opponent to the bill. (Attachment 4) The American Legion was a proponent of the program, and the program served its purpose; but like many federal programs it refuses to go away. The KCVA should be searching for veterans in need and assisting them in filing with the VA to obtain the federal benefits to which they are entitled, not building a bureaucracy.

Dr. Lea Steele provided the committee with information on the Kansas Persian Gulf War Veterans' Health Initiative Act. (Attachment 5) Dr. Steele is an epidemiologist and the Scientific Director of a federal committee that advises the Secretary of Veterans' Affairs on research matters relating to the difficult health problems resulting from the 1991 Gulf War. In 1997 the Kansas legislature took the bold and unprecedented step of providing state funds for a program to investigate and assist with what was then called Gulf War Syndrome to find out if it was real and if it was a problem for Kansas veterans. The program sponsored a scientific study that ultimately determined not only that there was a problem, but also what the problem looked like, how many people had it, and some of its biological causes. Dr. Steele has not been formally affiliated with KCVA or the state program since 2001, but has continued to work with KCVA and Kansas Gulf War veterans as questions and issues arise.

Dr. Steele commented on two points; first, the proposed changes and activities are extremely worthwhile, and that with certainly the main problems affecting today's returning veterans are quite different from the main issues for 1991 Gulf War veterans; that federal resources are overwhelmed and that Kansas veterans coming back from Iraq and Afghanistan are often not aware of or not able to access the services they need and the benefits they are entitled to. A large number of Gulf War veteran in 1991 returned with a mysterious illnesses; today we have a large number of returning veterans who have survived explosions and attacks that would have killed veterans of earlier wars; veterans who are now living with severe injuries and emotional trauma that require support services and access to government programs and benefits. The Kansas Gulf War Board's interest in providing outreach, information, and assistance to these veterans is well-founded and laudatory. Second, the initial Kansas Gulf War program was successful due to the legislature providing funds for a staff person to take it on and get it done. The recommended changes to the statute do require SGF, but the benefits are improving support services and information for Kansas who have served in war.

The committee asked how does the legislature know that returning veterans have improved and benefitted from this program; is there a list of veterans who have participated?

Wayne Bolling, Department of Pensions, explained to the committee that he oversees 14 field offices, and that there is a problem, reaching veterans, due to lack of staff and a proposal by the Governor that shifts that money out of Veterans' Services.

Chairman Brungardt closed the hearing on **SB 276**.

SB 277 - Veterans programs; eligibility for

Chairman Brungardt opened the hearing on **SB 277**.

Christian Kramer provided the testimony for James Bunker, a proponent of the bill. (Attachment 6) This bill will eliminate some of the limitations on the Veterans' Claim Assistance Program Advisory Board; the bill was written to limit to two veterans' associations and would like to open it up to other groups.

Darrell Bencken, Kansas Veterans of Foreign Wars, (KVFW) appeared in opposition to the bill (Attachment 7) This bill was written by one or two individuals, not to improve service to veterans, but to disrupt a program that is assisting veterans at record rates. The KVFW would ask that the committee oppose this bill and support HB 2210, a progressive bill that makes the minor tweaks needed to guarantee

CONTINUATION SHEET

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success of the Grant Program.

Charles Yunker, The American Legion, spoke in opposition to the bill. (Attachment 8) The American Legion is opposed to the bill because it radically changes the Grant Program approved during the 2006 legislative session; therefore, the program hasn't even had a year to prove itself or to identify any problems that need to be corrected.

Chairman Brungardt closed the hearing on **SB 277**.

HB 2152 - Commission on emergency planning and response; new members.

Chairman Brungardt opened the hearing on **HB 2152**.

Major General Tod Bunting, The Adjutant General of Kansas, and the Director of Homeland Security for Kansas, appeared in support of the bill. (Attachment 9) The bill would allow for the expansion of membership to the Commission on Emergency Planning and Response that is known as the CEPR. This commission has broad powers and responsibilities and believes that a broader representation of government agencies and private sector areas should be on the Commission to assist in meeting those responsibilities. The Board would go from seven to eighteen.

The Fiscal Note was provided. (Attachment 10)

Harriet Lange, President, Kansas Association of Broadcasters, appeared in favor of the bill, with an amendment. (Attachment 11) The KAB is proactive in addressing public interest obligation to service our local communities during and after a disaster; it is indicative of broadcasters' commitment to improving emergency communication which we believe ultimately will save lives. The amendment which would specify that one of the three individuals representing business and industry on the Commission, be an individual from the broadcast industry. This would not increase the number of people on the commission beyond what the bill already calls for.

Conrad Olson, President, NE Kansas Regional EMS Council (Attachment 12), and Jennifer Schwartz, Executive Director, Kansas Association of Center for Independent Living, (Attachment 13) provided written testimony in support of the bill.

Chairman Brungardt closed the hearing on **HB 2152**.

Senator Barnett moved to adopt the amendment and to pass the **HB 2152** out favorably as amended. Senator Lynn seconded the motion. The motion carried.

The meeting was adjourned at 11:50 am. The next scheduled meeting is February 15, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-14-07

NAME	REPRESENTING
KEN Stodgell	K3 VFW
DANIEL BENCKEN	K5 VFW
JIM FREDERICK	KCVV
CHRISTIAN KRAMER	VIN / DAV
Charles M Yunker	The American Legion
Wayne Bollig	KCVV

February 14, 2007

The Honorable Pete Brungardt, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 522-S
Topeka, Kansas 66612

Dear Senator Brungardt:

SUBJECT: Fiscal Note for SB 276 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 276 is respectfully submitted to your committee.

SB 276 would rename the Persian Gulf War Veterans Health Initiative Act the Kansas Veterans Health Act. This bill would change the definition of "veteran" from a person who is a resident of Kansas and served in the armed forces in the Persian Gulf War to a person who is serving on active duty with the U.S. military or who has served and has any type of discharge other than dishonorable. This definition would also apply to persons in the National Guard or military reserve who are still serving on active duty and have been deployed to hostile theaters of operation when the bill passed.

The Board, currently known as the Persian Gulf War Veterans Health Initiative Board, would be known as the Kansas Veterans Health Initiative Board. The makeup of this Board would be changed from nine to eleven members, of which five, rather than three, would be veterans. The bill would establish new rules covering appointment and attendance of meetings for veteran members and would change the distribution by type of clinical member. The bill would require that the Board have three representatives, appointed by the Kansas Commission on Veterans Affairs, from specified state or federal agencies.

The mission of the Persian Gulf War Veterans Health Initiative Board is to conduct and report on surveys concerning health problems experienced by veterans, their spouses, and other family members related to active duty in the Persian Gulf War and to maintain a state Persian Gulf War registry containing the names of those who have been affected by Gulf War syndrome. SB 276 would extend that mission to include a resurvey of Persian Gulf War veterans, as well as develop a plan of action to address and seek funding for the health needs of these veterans.

Among its other duties, the Board would develop materials needed to conduct veterans briefings, handouts, and press releases on health issues affecting Kansas veterans. The Board would also be required to conduct a study, the results of which would be shared with appropriate state and federal agencies, aimed at identifying the fiscal effect of deployment on Kansas veterans. This bill would establish a staff position to serve the board and rename the Persian Gulf War Veterans Health Initiative Fund the Kansas Veterans Health Fund.

Estimated State Fiscal Effect				
	FY 2007 SGF	FY 2007 All Funds	FY 2008 SGF	FY 2008 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$325,276	\$325,276
FTE Pos.	--	--	--	1.00

SB 276 would have a fiscal effect on the Kansas Commission on Veterans Affairs. An increase in the number of members of the Board, as well as an increase in the required number of meetings per year, would cause the budget of the Board to increase by \$3,326. The agency estimates that expenses for veterans outreach would be \$8,450 per year. The bill would also establish a position to serve the Board. It is estimated that this position would cost the agency \$45,000 annually. Office space for this position would be expected to cost \$4,000, along with \$3,000 for a computer and \$25,000 for statistical software, for a total of \$32,000. The computer and statistical software would be one-time expenses. The agency did not provide the cost to resurvey the Persian Gulf War veterans group, but did mention that the original survey had cost \$215,000, and it can be estimated that the resurvey would cost more in FY 2008 because of inflation. Providing for an increase of 10.0 percent to the cost of the original survey, it is estimated that the total cost of passage of this bill would be \$325,276 from the State General Fund in FY 2008.

Persian Gulf War veterans resurvey	\$236,500
1.00 FTE position	45,000
Office space, computer, and software	32,000
Board outreach	8,450
Increase in budget for Board meetings	<u>3,326</u>
Total	\$325,276

The FY 2009 expenses would not include the resurvey of Persian Gulf War veterans or the expenditures for a computer and statistical software, which are one-time costs, but would include the full amount of \$7,326 for meeting expenses, so the estimated amount needed from the State General Fund for that fiscal year would be \$64,776. The fiscal effect resulting from passage of this bill would be in addition to amounts included in *The FY 2008 Governor's Budget Report*.

Sincerely,



Duane A. Goossen
 Director of the Budget

cc: Jim Frederick, Veterans Affairs

TESTIMONY REGARDING ~~HB 2302~~ SB 276
George Webb
Executive Director, Kansas Commission on Veterans' Affairs
February 7, 2007

Committee members,

Thank you for the opportunity to present information on ~~HB 2302~~ ^{SB 276} before you. This bill seeks to amend earlier statutes regarding the Persian Gulf War Veterans Health Initiative (PGWVHI). The Kansas Commission on Veterans' Affairs stands in support of changing the direction of the initiative in order to be more in line with current operations.

When the Kansas Legislature began this program, its intent was to take a hard look at the veterans of the 1990-1991 Persian Gulf War and examine the affliction of some with what became known as Gulf War Illness (GWI). Using Kansas veterans in a detailed study, this program concluded that participation in the Gulf War, in and of itself, manifested significantly higher incidents of GWI. Because at that time the fact of GWI was not universally accepted, I believe strongly that the Kansas study jump started the Nation.

Following the study, SGF for the program dwindled, and by SFY 2004, there were no funds in the program. Despite the existence of a board and no sunset clause to the initiative, the absence of funding meant that the board could not meet – even to determine if it should declare victory and stand down. We did get additional appropriations, and the board has met regularly.

Along the way, the board and the Kansas Commission on Veterans' Affairs began to see that troops in current operations (Operations Iraqi Freedom and Enduring Freedom) were experiencing different problems than those who served in the earlier war. In particular, many of the medical maladies in the GWI category were not presenting. However, due to the nature of the current war, troops are experiencing many more mental health problems, especially PTSD; traumatic brain injuries; and amputations.

The board came to feel that addressing these new problems was important, but the original charter of the PGWVHI was problematic. The earlier statute was not clear about an end date of the conflict, because the statute preceded the ongoing war. The makeup of the board, especially the medical/technical members, was geared to GWI and not current injuries, and even the name left in question the mission of the board. For that reason, the amendment of the statute is before you.

I would tell you that due to the fast-moving nature of the bill processing, my Commission has not had the opportunity to consider all aspects of ~~HB 2302~~ ^{SB 276}. However, the Commission has been apprised of the potential change in direction.

Some of the membership qualifiers on the proposed board will need to play out, but we believe there is adequate flexibility to address that. I would advise the committee that a

requirement of meeting six times annually is probably a stretch. Besides the cost of travel, we suspect, as we found with the earlier board, that good people are busy people, and their schedules are full. Meeting quarterly is more appropriate.

This amendment also recocks the earlier study, using the same database of veterans from the earlier one. The board feels this would be helpful not only to Kansas veterans, but also as a measuring point once again for the Nation. If funded, we believe this would be helpful.

I am a Gulf War veteran, and I have not had any of the maladies in GWI. But I do believe that GWI is real, for I have seen my brothers in arms who were afflicted. And of course, troops today are experiencing some terrible wounds – and multiple tours create great numbers of mental health problems. We can and should do more for these veterans. I am under no illusion that making this change will create an instant remedy, because most of the care for these men and women will come from the federal government. But to the degree that we can assist the federal government with facts and concern, and to the degree that we can bring state resources to bear, our troops need our help.



Testimony of James A. Bunker on Senate Bill 276

Provided by Christian Kramer

February 12, 2007

Mr. Chairman and members of the committee,

I stand here today in support of Senate Bill 276. It was ten years ago that I was here in support of the bill that set up the Gulf War Health Board and that authorized the funds for the ground breaking and in that ten years I have been a member of and Chairman to the board until by statute I could no longer serve. Since then I have been to all of the meetings and was able to help advise them. The findings of our study did set the stage that started the VA and federal governments to take a new look at the illnesses affecting the veterans of the 1990-91 Gulf War. Though there is still known cause and the illnesses, we did find some illnesses that the veterans had at a higher rate.

The board was to also inform the veterans of our state of the study and to keep them informed of anything new. In doing so we have found that there is a need to also help the returning veterans of today.

When we passed everything ten years ago, we did not foresee 9-11 or the global war on terrorism. We did learn that we need to be proactive when it comes to our veterans and that is why I have asked that the statute be changed to better help our youngest set of veterans. I have been one for helping all veterans and I feel that we in Kansas need to stay proactive when it comes to helping them, too.

Right now we are seeing veterans coming home not only with missing extremity, they also suffer from wounds that we do not see. It those wounds that we need to work with and to help the veterans and their families. The stress of war will affect each and every one in a different way. This board can do a lot to put the information and support to help them.

Some may think that all of the problems for the veterans for the first gulf war is over; but that is not the case. We still have a lot of work that needs to do with the veterans of the first gulf war. That is why we

need to look at the veterans of the first study and see if there are any changes in their health. From these changes we could get new research into the field at improving their health. What veterans want is help to make them better, to live a meaningful and pain free life. We need to take the lead again and help them.

James A. Bunker

SENATE BILL NO. 276
By the Committee on Federal and State Affairs
Wednesday, February 14, 2007
Room 231-N

Testimony by Charles M. Yunker

When the Persian Gulf War Health Initiative was first proposed The American Legion was a proponent of the program and the program served its purpose. By now you would think it would have been disbanded, but like many federal programs it refuses to go away and only grows and saps more scarce tax dollars.

Please take a look at what SB 276 will do:

Line 33 opens the initial program to all veterans throughout the entire United States. Is Kansas to be responsible for all this nation’s veterans who serve in a hostile theater of operations? What about veterans who are injured while on training in preparation for deployment to a hostile theater of operations? Some conditions can occur right here in the United States such as exposure to radiation, herbicides, closed head injuries. Are those personnel to be excluded?

Page 2, Lines 3 through 14 state: “If any veteran member fails to show to two meetings in one calendar year, they may be replaced....” That restriction is only placed on the veteran members of the board. Is that fair treatment when veterans who might serve on the Board may be the very people this legislation is supposed to help? The current American Legion representative on the Board is ill at times and can not travel so conference calls have been available to him in the past. Apparently attendance by conference call is to be disallowed since the word “show” implies a physical presence.

Page 1, Lines 20 through 22; Page 3, Line 43 through Page 4, Line 1; Page 5, Lines 7 through 11; and Line 19 completely eliminate the families of veterans, including children who may have birth defects as a result of their parent’s exposure to chemical or biological agents.

In the 1980's The American Legion established and funded the "Columbia Study" which proved undeniable links between exposure to Agent Orange and a wide range of illnesses including cancers, diabetes, in veterans and spina bifida in their children. Today the Children of Vietnam Veterans receive care and treatment from the VA.

The federal government (VA and DOD) are well aware of the physical and emotional hazards of war. That is why DOD asked The American Legion to join DOD in a partnership called Heroes to Hometown; a program to assist the most severely injured to shift from military to civilian life. The VA is also a partner in that program. It is the job of The American Legion and other veterans organizations to assist these veterans in obtaining treatment and compensation from the VA. The VFW has been doing it for over 100 years, the Legion since our inception in 1919. Together the Legion and VFW convinced the federal government to establish the VA in 1930. Our organizations, and to some extent others, are constantly monitoring the VA to insure the federal government takes care of its responsibility.

Yes we backed the formation of the Persian Gulf Health Care Initiative, as a means to prove Gulf War Syndrome existed because the federal government was stonewalling the issue just like they did to veterans exposed to Agent Orange and the hazards of atomic testing. We did not want years to pass before VA recognized the conditions of Gulf Syndrome.

Both DOD and VA acknowledge the unparalleled instances of Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) suffered by today's troops. I assure you if and when another illness or syndrome affecting our veterans appears, organizations like The American Legion will alert you to any need for a Kansas study. Kansas taxpayers do not need SB276 which merely creates an open ended bureaucratic boondoggle. KCVA should be searching our veterans in need and assisting them in filing with the VA to obtain the federal benefits to which they are entitled not building a bureaucracy.

5

Testimony Presented to the Kansas Senate Federal and State Affairs Committee
Concerning Senate Bill 276, The Kansas Veterans Health Act
February 14, 2007

Lea Steele, Ph.D.
Scientific Director, Research Advisory Committee on Gulf War Veterans' Illnesses, Dept. Veterans Affairs
Associate Professor, Kansas State University

Good morning Senator Goodwin and members of the Committee. I'm Dr. Lea Steele. I am here to provide brief comments and answer questions concerning proposed changes to the Kansas Persian Gulf War Veterans Health Initiative Act. I agreed to come today when I learned that George Webb, executive director of the Kansas Commission on Veterans Affairs, would be in Washington and could not be with you. He has provided written testimony, however, and asked that I be here to answer whatever questions I can.

By way of background, I'll tell you that I am an epidemiologist and the Scientific Director of a federal committee that advises the Secretary of Veterans Affairs on research matters relating to the difficult health problems resulting from the 1991 Gulf War. I am actually a professor at Kansas State University but am on loan to the federal government to serve in this capacity. I first became involved in the Gulf War health issue almost 10 years ago, when I directed the Kansas Persian Gulf War Veterans Health Initiative Program for the Kansas Commission on Veterans Affairs (KCVA).

Some of you may recall that in 1997, the Kansas legislature took the bold and unprecedented step of providing state funds for a program to investigate and assist with what was then called Gulf War Syndrome—to find out if it was real and if it was a problem for Kansas veterans. The program sponsored a scientific study that ultimately determined not only that there was a problem, but what the problem looked like, how many people had it, and some of its biological causes. We also provided a hotline and outreach and information services for Kansas Gulf War veterans, holding town hall meetings across the state that some of you may have attended. I can't impress on you just how unique this program was—there's never been another like it, before or since. Our program was well respected and got national headlines for providing breakthrough information in short order, at a cost that looked like peanuts compared to the hundreds of millions the federal government was spending. We were later funded by the U.S. Department of Defense to conduct additional studies.

I have not been formally affiliated with KCVA or the state program since 2001, but have continued to work with KCVA, Mr. Webb, and Kansas Gulf War veterans as questions or issues arise. I understand that no funded staff position has been provided for the program in the intervening years, but that some funding has supported meetings of the Board that advises KCVA on the Kansas Gulf War program. It is also my understanding that the Board has recommended that KCVA revamp the mission of the program and revitalize it in ways that will allow it to assist veterans who are now returning from war, whose health issues are different from those affecting 1991 Gulf War veterans. In addition, I understand the Board has recommended a follow-up assessment of the current health status of 1991 Gulf War veterans, and that state funds be provided for recommended activities, including a staff position to conduct those activities.

Along those lines, I'll limit my comments to just two points, but will be happy to address any additional questions you may have. First, I can tell you, from my current vantage point on these issues, that I believe the proposed changes and activities are extremely worthwhile. That is, we know with certainty that the main problems affecting today's returning veterans are quite different from the main issues for 1991 Gulf War veterans. And we also know that federal resources are overwhelmed and that Kansas veterans coming back from Iraq and Afghanistan are often not aware of or not able to access the services they need and the benefits they are entitled to. In 1991 we had a 4-day war that ended in a great victory but inexplicably

produced a large number of veterans with mysterious illnesses. Today, we have a large number of returning veterans who have survived explosions and attacks that would have killed veterans of earlier wars, veterans who are now living with severe injuries and emotional trauma that require support services and access to government programs and benefits. So, the Kansas Gulf War Board's interest in providing outreach, information, and assistance to these veterans is well-founded and laudatory.

But what about the 1991 Gulf War veterans? I can tell you that we believe, from other studies, that a lot of the veterans who were sick with Gulf War Syndrome-type problems when we first contacted them in 1998 are probably still sick. I can also tell you that these veterans still need answers and would really benefit from the information that would come from a follow up study of Kansas' 1991 Gulf War veterans. At a minimum, the study would give us insights into which Kansas Gulf War veterans got better and why, and who has not done so well. And because of the initial Kansas Gulf War project, no place is in a better position to do this than Kansas.

But the other main point I can comment on is this. The initial Kansas Gulf War program was made possible by great support from a lot of people, but ultimately owed its success to the legislature providing funds for a staff person to take it on and get it done. Unfunded Gulf War programs and initiatives across the country in the 1990s typically went nowhere because nowhere else had professional staff, with the authority of state government, to make this their job and get it done.

The recommended changes to the statute do require SGF, but this investment has historically provided a lot of bang for the buck. Its first benefit, of course, is improving support services and information for Kansans who have served in war, so it's just the right thing to do. But I know you are also familiar with the fiscal benefits to the state that come from increasing VA benefits for Kansas veterans.

6



Testimony of James A. Bunker on Senate Bill 277 *provided by Christian Kramer*

February 12, 2007

Mr. Chairman and members of the committee,

I stand here today in support of Senate Bill 277. Last year our state joined the large list of other states that have a granting program that helps the different veteran service organizations (VSO's); but at the same time it became about the only one that sat the program up to make sure only two VSO's could take part. This bill will help to fix some of those problems by taking away some of the limitations.

I feel that the veterans in our state would like a program to help them and not any VSO's and we can do that. Right now the two in the program will have a two year start into the program and that is fine, we just need to fix some things.

One of the strong points is that this will set the board up with veterans from the four largest VSO's, even if they are not in the program. I feel that if the VSO's in our state can work as one, like other states, we can do a lot to help veterans in this state.

By taking out the VSO's cross accrediting each other takes away a limiting factor for one VSO, the same one that VA data has shown for years has done the most claims for veterans. This bill makes it law that the VSO's must accredit the state employees with training at a set level. I know that in many states where the county service officers are trained to this level is accredited by 5 or 6 VSO and that includes the American legion, DAV VFW and the VVA, much like a friend of mine how is a VSR in Wisconsin.

VA data has shown that about 90% of all appeals at the Kansas RO are being done by the DAV. These are the cases where the veterans did not agree with the VA ruling. Most of the

time these cases lead to an increase in the ruling of the degree of disability, this in turn means more compensation for the veteran do to his lost of earning power. This in turn means a better life for the veteran letting him to buy more of the things he needs.

I feel that any VSO that has a hard time with this bill may want to re-look at why they are around. It is time to do like most of the other states with a granting program and open it those doing claims in Kansas. At a later date we could look at the cost sharing those other states do or funding each VSO's on the numbers of good compensation claim by VA records.

Thank you

James A. Bunker

TESTIMONY TO THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
BY DARRELL F. BENCKEN, KANSAS VETERANS OF FOREIGN WARS

Mr. Chairman and members of the committee, I appear before you today in opposition to SB 277. We find ourselves in a position of standing against a bill we see as very bad for veterans and one that reverses much of the hard work this committee put into place last year. Last year the Senate supported SB 396 for creating the Veterans Claims Assistance Program. Unfortunately it had a rocky start for many of the same reasons, that we encounter today, we have had difficulty in dealing with the KCVA in the recent past. Once again, every time we felt we had a working agreement with the KCVA the terms were in constant change. Often not for the betterment of veterans, but rather to create dissension among the service organizations, something we find appalling. The bill you have in front of you was not the work of a service organization. It wasn't a collaboration between the service organizations and the KCVA. It was a bill written by one or two individuals, not to improve service to veterans, but to disrupt a program that is assisting veterans at record rates.

This is a bill that the KCVA Commission has not supported, as a member of the DAV, I can say they have not come out in support of nor has the Military Order of the Purple Heart or any other service organizations. This bill definitely does not have the support of the states two largest service organizations. It is written in such a way as to undue all the efforts of this very legislature.

This bill undoes many of the negotiated arrangements made between the service organizations, the Legislature and the KCVA to include cross-accrediting of VSR staff in the VA hospitals. Last year in the JEA meetings, we were told doing this was an absolute necessity so we agreed to it, now they want to remove it from the bill. We were told that both this Governor and the previous Governor wanted consolidated offices in the hospitals, so we agreed to move to the One-Stop concept to help control costs, now this is being removed.

The bill changes the completion of the Advisory board to include not those willing to participate in the program but have picked four organizations, ignoring the Paralyzed Veterans, the Military Order of the Purple Heart and AMVETS. The bill as it was originally written says any service organization that participates in the Grant program can have members on the committee, we still feel this is the right way to do this.

You will be hearing a number of individuals coming before you asking for your support in dismantling the Veterans' Claim Assistance Program. I would ask that you wait and give the program a chance to prove itself. If you do, all veterans, especially those most in need will benefit. We are already seeing marked improvement as a result of this program. The initial reports are we are returning \$108 to Kansas Veterans for each state dollar spent.

We would ask that you oppose this bill and support HB-2210, a progressive bill that makes the minor tweaks needed to guarantee success of the Grant Program. I would also ask that you encourage the Kansas Commission on Veterans Affairs to work with the Veterans Claims Assistance program to improve outreach. Let us re-establish a solid working relationship with the state. Then lets move forward, bring in other organizations willing to share in the investment in Kansas Veterans. For reasons all their own, some are trying to make this a turf battle between the veteran service organizations and the KCVA. That's not what its about, its about veterans helping veterans. Its about being able to assist veterans in over 500 Kansas communities. Its about 11,700 young men and women going home needing help and not having hope because the nearest veterans service representative is miles away.

Sen Fed & State

Attachment 7
2-14-07

When it comes right down to it, you can listen to the dividers, those trying to undo all we are working together to do, or we can work together to make a great program better. When you go home to see your constituents, ask yourself which service organization is in your community providing support to veterans. Who is there helping veterans in your area when they can't make ends meet.

The Grant program is about more than a service organization taking money from the state. We donate space in our Posts for KCVA information meetings and for their field office itinerant travel. Staffs often come in early to open the doors, provide free use of supplies and office equipment. As part of the community we provide scholarships to Kansas students. We raise funds for the Kansas Soldiers Home, the Kansas Veterans Home and the Cemetery Program.

In the service center offices, we provide training and have in the past donated funds to assist the KCVA in training their field staff. We were the first to partner with the KCVA for over 60 years, we shared experiences in serving veterans. To us this was more than applying for a grant or establish a one VSR part-time office. We commit thousands of dollars each year across Kansas. That is the meaning of a partnership to serve veterans.

In answer to those who say what about the veterans that are now coming back from IRAQ. The VFW will be in every county in Kansas honoring our commitment, not because of a grant, but because we are here to serve all veterans. We understand the Iraq veteran needs help, but so does the World War II veteran, the Korean War veteran, the Vietnam Veteran, the Gulf War veteran and every other veteran. In addition, we want to be there for the veterans' spouse, widows and family members. We can do this by working together and if the DAV, MOPH, VVA and others want to commit the resources to reach out across the state, we welcome them, but lets do it the right way, the responsible way. Please oppose SB-277 and support HB-2210.

8

SENATE BILL No. 277

By the Committee on Federal and State Affairs

Wednesday, February 14, 2007

Room 231 N

Testimony by Charles M. Yunker

The American Legion opposes Senate Bill 277 because it radically changes the Grant program approved by during the 2006 legislative session; therefore the program hasn't even had a year to prove itself or to identify any problems that need to be corrected. The intent of last year's legislation was simply to restore the partnership between The American Legion and Veterans of Foreign Wars and the state of Kansas which had existed for more than sixty years in providing services to Kansas veterans in obtaining their earned federal benefits from the VA. The only real difference is that several Veteran Service Representatives would shift from a dual employment status to employment by the Veteran Service Organizations thereby allowing for more flexibility and responsiveness to the needs of veterans.

The KCVA refused to fill vacant Veterans Service Representative positions in both the American Legion and VFW offices despite available funding. In fact two of the VFW offices were unmanned by a single VSR for extended periods of time. Naturally the number of claims we were able to file with the VA decreased while veterans went unserved. The Grant program has allowed the Legion and VFW to fill over half of those vacancies and productivity is on the rise. The Grant allowed The American Legion to breathe new life into our outreach programs----just this past fall we visited over 3400 veterans and their families in 300 local Posts. Those visits netted more than 20 new known filings with the VA; normally additional claims are filed after our visits when veterans contact us in a more private setting. Also those veterans we meet with pass our information on to their fellow veterans which result in more filings.

We have attended several re-integration programs with troops who have recently returned from overseas duty; two weeks ago we met with approximately 100 National Guardsmen in Lawrence and came away with 5 new possible cases. This weekend we are scheduled to meet with up to 1000 National Guard troops and their family members.

We continue to make ourselves available to Ft. Riley, Ft. Leavenworth and McConnell AFB when those facilities have programs for retired military and those who are being discharged from active duty. In other words the Grant program is working.

Last year KCVA insisted on cross accreditation and "one stop veterans service centers". The American Legion and VFW agreed to both, however now the KCVA feels that is unnecessary. The DAV choose not to apply for a grant because that organization refuses to cross accredit or share information with other VSOs and the state. That is why the DAV, which was part of the partnership in the 1950's and again in the 1980's, choose to leave the KCVA partnership and did not apply for a grant last year. I was told earlier this week the Vietnam Veterans of America filed a total of 70 claims last year yet SB 277 would permit the VVA to apply for a grant. In my opinion would not be a wise use of taxpayers' money.

Last year it was the intention of the Legislative Committee that crafted the bill creating the Grant program was to allow the program to run for 3 years then conduct a post audit to seen if the program should be expanded, modified or even ended. The American Legion and VFW have remained steadfast and loyal partners of the State for more than 60 years; I ask you not to destroy or dilute that partnership and allow the grant program to complete the three year trial period intended by the Committee that created its legislation.



9

KANSAS

ADJUTANT GENERAL'S DEPARTMENT
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

Testimony on House Bill 2152

To the Senate Committee on Federal and State Affairs

Major General Tod Bunting
The Adjutant General of Kansas

Wednesday, February 14, 2007

Mr. Chairman and members of the committee:

I am MG Tod Bunting The Adjutant General and the Director of Homeland Security for Kansas. Thank you for allowing me to testify and support HB 2152 which allows for the expansion of membership to the Commission on Emergency Planning and Response that we know as the CEPR. This important commission as set out in KSA 65-5721 has broad powers and responsibilities and we believe that a broader representation of government agencies and private sector areas should be on the Commission to assist in meeting those responsibilities.

KSA 65-5722 sets out the commission's powers and duties which include: Carrying out all requirements of the federal emergency planning and community right-to-know act, providing assistance and advice in establishing policy for the coordination of state agency activities relating to emergency training, preparedness, planning, and response; providing assistance and advice in establishing policy and procedures for chemical release reporting and prevention, transportation, manufacture, storage, handling, and use; facilitating and advising the division of emergency management, the adjutant general, and others in the preparation and implementation of all emergency

plans prepared by state agencies; preparation of local emergency plans; developing regional emergency medical response teams; designate, and revise as necessary, the boundaries of emergency planning districts; approve the local emergency planning committees (LEPC) for each emergency planning district; review after action reports to responses to disaster emergencies and make recommended improvements; coordinating, advising, or planning tasks related to community right-to-know reporting, toxic chemical release reporting, management of hazardous substances; planning and preparedness for all types of disasters, as defined in K.S.A. 48-904, the adoption of regulations as authorized to carry out the purposes of all state hazard preparedness and planning under the federal law and to approve the fees established by rules and regulations of the adjutant general to cover all or part of the total operational costs of implementing the provisions of federal law.

The statutory responsibilities of this commission along with the requirements of Homeland Security supports the additional members of the commission.

The advantages of having a broader representation of agencies, private organizations and business are many. First, it re-energizes a statutory commission with a broad mandate by bringing together the important parties in Homeland Security planning and response. The expansion will support the National Response plan, State Response Plan and National Incident Management System with regionalization and our regional councils. The requirement for input from experts on persons with special needs is critical in emergency planning, plus additional expertise from law enforcement for a possible terrorist threat is vital.

Next, the expansion will bring together private sector and government agencies into all aspects of planning and response which will encourage interaction and communication. This bill will continue to support federal law with Toxic and Haz-mat issues, release reporting, planning, response, and mitigation. It allows for increased education among all the parties involved.

Finally, the larger commission will support developing and implementing plans for regional emergency medical response teams, incident management teams and other future innovative ideas.

We want to ensure we have everyone at the table necessary when making decisions that impact the lives and safety of Kansans. By increasing the members on the commission, This bill will give the state an effective tool and improve the planning, training, responding and recovery from any and all hazards.

Thank you and I would be glad to answer any questions.

January 29, 2007

The Honorable Don Myers, Chairperson
House Committee on Veterans, Military, and Homeland Security
Statehouse, Room 448-N
Topeka, Kansas 66612

Dear Representative Myers:

SUBJECT: Fiscal Note for HB 2152 by House Committee on Veterans, Military, and Homeland Security

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2152 is respectfully submitted to your committee.

HB 2152 would change the membership of the Commission on Emergency Planning and Response. The bill would add the agency heads from the Kansas Bureau of Investigation, the Kansas Department of Agriculture, and the Kansas Animal Health Department to the Commission. In addition, the bill would add 11 members appointed by the Governor from various interest groups. One individual would represent each of the following: counties, cities, agriculture industry, transportation industry, energy industry, law enforcement, fire fighters, county emergency managers, emergency medical services, public works, hospitals, public health, the tribes of Kansas, individuals with disabilities, and the seven regional homeland security councils. Under HB 2152, the total membership of the Commission would be 27.

Estimated State Fiscal Effect				
	FY 2007 SGF	FY 2007 All Funds	FY 2008 SGF	FY 2008 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$10,240
FTE Pos.	--	--	--	--

The Adjutant General's Office estimates that \$10,240 would be needed to implement this act for FY 2008. Of this amount, \$8,800 would be required to provide reimbursement expenses to the 11 additional members appointed by the Governor to attend meeting as member of the

The Honorable Don Myers, Chairperson
January 29, 2007
Page 2—2152

Commission on Emergency Planning and Response. It is assumed that the Commission would meet for one day each quarter at an estimated cost of \$200 per day for each member. Included in the total is \$1,440 for a temporary employee, who would take the meeting minutes. The funding source for all costs would be federal funds.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Janice Harper, Adjutant General's Department
Pat Higgins, Administration
Linda Durand, KBI
Suzette Smith, Agriculture
Debra Duncan, Animal Health Department
Judy Moler, KS Association of Counties
Larry Baer, LKM



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Testimony
HB 2152
Senate Committee on Federal & State Affairs
February 14, 2007
By
Harriet Lange, President
Kansas Association of Broadcasters

Kansas Association of Broadcasters serves a membership of free-over-the-air radio and television stations in Kansas. Our member stations are licensed by the federal government for the "public interest, convenience or necessity". Many times that "public interest" obligation requires responding to disasters or emergencies.

We appreciate the opportunity to appear before you in support of HB 2152 and to offer a friendly amendment.

Our interest in HB 2152 is born from our desire to be proactive in addressing public interest obligations to serve our local communities during and after a disaster. It is indicative of broadcasters' commitment to improving emergency communications which we believe ultimately will save lives.

Broadcasters are "responders" during emergencies and disasters. They are the lifeline of information to the public in times of crisis, not only through the Emergency Alert System (EAS) but also through the broadcast of follow-up emergency communications.

EAS is a network connecting radio and television in partnership with emergency managers, the National Weather Service and law enforcement agencies locally and nationally. Local broadcasters through their state broadcast associations have assumed a leading role in improving EAS and emergency communications across the country. For example, broadcasters and their state broadcast associations have been instrumental in the development of AMBER Alert programs in every state – which, as you know, depends on EAS and broadcasters to quickly inform the public when a child has been abducted. Because broadcasters were given a seat at the table with law enforcement and other AMBER partners, we were able to develop an AMBER Plan for Kansas that works well in recovering abducted children. As we developed the AMBER program for Kansas, we also improved EAS and emergency

Sen Fed & State

Attachment 11
2-14-07

communications in Kansas. We envision broadcasters playing a similar role in planning for emergencies through the Commission on Emergency Planning and Response.

To that end, we are offering an amendment to HB 2152 which would specify that one of the three individuals representing business and industry on the Commission, be an individual from the broadcast industry. Attached is our proposed amendment. This amendment would not increase the number of people on the commission beyond what the bill already calls for. And it would not require the displacement of any current Commission member because as I understand it, currently only two of the seats for business and industry are occupied.

The purpose of the Commission on Emergency Planning and Response, according to its charter, is to "facilitate a coordinated effort for mitigation, preparedness, response, and recovery from emergencies and disasters in Kansas". Effective communication and public awareness are essential in each of these emergency management efforts and broadcasters play a critical role.

There have been some important lessons learned from natural disasters in the United States in recent years. Some of these lessons were brought to light and discussed at the EAS Summit of 2006, sponsored by the National Alliance of State Broadcast Associations and the National Association of Broadcasters last February. The annual EAS summit brings together government authorities and broadcasters to educate each other about the important role each plays prior to, during, and after a disaster has struck. Aside from developing their own disaster preparedness plan, some of the recommendations related to broadcasters coming out of the summit last year, include:

- Broadcasters should build relationships with the people responsible for emergency management at the state and local levels.
- Broadcasters should integrate themselves within local emergency management efforts to become involved with the planning process. When broadcasters and emergency managers understand the pivotal role each plays during an emergency, many of the communication problems are resolved.
- Broadcasters should be included in building scenarios for training carried out by emergency management coordinators.

- There is a need for a consistent, streamlined method of identification for station personnel (including station engineers) who need access to involved areas during a crises.
- Broadcasters must continue to work with government agencies and emergency managers to explore how new technologies might enhance EAS and emergency communication. As an example, the development of digital technology will have provide broadcasters multiple channels for disseminating information.

It is our belief that broadcast involvement in the Commission will enhance the state's efforts and success in saving lives and protecting property during a disaster or emergency.

We urge adoption of our amendment and passage of HB 2152.

Thank you for your consideration.

Proposed amendment to:

HOUSE BILL No. 2152

By Committee on Veterans, Military and Homeland Security

1-22

AN ACT concerning the commission on emergency planning and response;
amending K.S.A. 2006 Supp. 65-5721 and repealing the existing
section.

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

Section 1. K.S.A. 2006 Supp. 65-5721 is hereby amended to read as follows: 65-5721. (a) ~~On the effective date of this order,~~ There is hereby established the commission on emergency planning and response.

(b) The membership of the commission on emergency planning and response shall consist of the agency head or secretary or a designated person of authority from the following agencies:

- (1) the fire marshal;
- (2) the department of health and environment;
- (3) the department of transportation;
- (4) the Kansas highway patrol;
- (5) the adjutant general; ~~and~~
- (6) the department of commerce;
- (7) *the Kansas bureau of investigation;*
- (8) *the Kansas department of agriculture; and*
- (9) *the Kansas animal health department.*

(c) In addition, the membership of the commission on emergency planning and response shall also consist of ~~seven~~ 18 members appointed by the governor as follows:

- (1) ~~Two individuals~~ *One individual* shall be representative of counties;
- (2) ~~two individuals~~ *one individual* selected to represent cities; ~~and~~
- (3) three individuals selected to represent businesses and industries, ***one of which to represent broadcasting;***
- (4) *one individual selected to represent agriculture, crop or livestock;*
- (5) *one individual selected to represent transportation, trucking or rail;*
- (6) *one individual selected to represent energy;*
- (7) *one individual selected to represent law enforcement officers;*
- (8) *one individual selected to represent fire fighters;*
- (9) *one individual selected to represent county emergency managers;*
- (10) *one individual selected to represent emergency medical services;*
- (11) *one individual selected to represent public works services;*
- (12) *one individual selected to represent hospitals;*

(OVER)

(13) one individual selected to represent public health;
(14) one individual selected to represent the tribes of Kansas;
(15) one individual selected to represent individuals with disabilities; and
(16) one individual selected to represent the seven regional homeland security councils.

(d) A designee of the adjutant general shall serve as the secretary of the commission on emergency planning and response. The adjutant general shall provide staff support for the commission on emergency planning and response.

(e) Of the members first appointed to the commission on emergency planning and response by the governor, one representative of cities, one representative of counties, and one representative of business and industry shall serve a term of two years, and the remainder of the members appointed by the governor shall serve terms of three years. Thereafter, members ~~who represent cities, counties, and business and industry~~ *appointed pursuant to subsection (c)* shall serve terms of four years and until the successor has been appointed. Any vacancy in the office of an appointed member shall be filled for the unexpired term by appointment by the governor.

(f) A chairperson shall be elected annually by the members of the commission. A vice-chairperson shall be designated by the chairperson to serve in the absence of the chairperson.

(g) For attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, those members of the commission appointed by the governor shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 2. K.S.A. 2006 Supp. 65-5721 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



Region V EMS
NE Kansas EMS Council, Inc.

A Not-for-profit corporation



To: Senate Committee on Federal & State Affairs
From: Conrad L. Olson, NE Kansas Regional EMS Council, President
Date: February 14, 2007
Re: Testimony in Support of HB 2152

First of all, I thank you for the opportunity to submit written testimony. My duties as a Paramedic in rural Kansas do not permit me to be in attendance today.

Today as President of the NE Kansas Regional EMS Council, I represent over forty Ambulances Services and Five-Thousand Certified Attendants in our twenty-six County Region. On their behalf, I encourage you to support HB 2152 in order to expand the membership of the Commission on Emergency Planning and Response.

While the additional Eleven Memberships share the common goal of protecting the citizens of Kansas, they are vastly different in function. The many variables that contribute comprise an emergency response dictate the need for representation of these different disciplines.

For example, the representatives of the Kansas Animal Health Department and Emergency Medical Service have different roles in an emergency. They may however, very well find themselves working side by side on the front-line of a disaster.

Since the potential for that very scenario exists, that is exactly why these new members are required at the planning table. All members of the Commission will need to bring their respective ideas, concerns and challenges to the table. It is far better for conflicts and challenges to be resolved during planning and drills than in a time of crises.

Again thank you for allowing me to submit written testimony.

*Con Olson Region V President
1250 Walnut St.
Oskaloosa, KS 66066*

*Region V EMS Council
804 Cowell St. PO Box C
Paola, KS 66071*

Sen Fed & State

Attachment 12

2-14-07



Jennifer Schwartz
Executive Director

Member Agencies:

Center for Independent Living for Southwest Kansas
Garden City, KS
620/276-1900 Voice

Senate Federal and State Affairs Committee
Senator Brungardt, Chair
HB 2152
February 14, 2007

Coalition for Independence
Kansas City, KS
913/321-5140 Voice/TT

Thank you for the opportunity to provide written testimony today regarding HB 2152. I am Jennifer Schwartz, the Director of the Kansas Association of Centers for Independent Living (KACIL). KACIL represents Centers for Independent Living (CILs) across Kansas. KACIL is driven by the following mission statement: *To coordinate efforts within Kansas and the United States to the extent that these efforts will further independent living for all. KACIL will advocate for the civil rights of Kansans with disabilities.*

Independent Living Resource Center
Wichita, KS
316/942-6300 Voice/TT

Centers for Independent Living provide services to people with any disability, of all ages. CILs provide information and assistance to businesses and other entities in the community to increase opportunities for people with disabilities to live, work, and play in all aspects of community life.

Independence, Inc.
Lawrence, KS
785/841-0333 Voice
785/841-1046 TT

Independent Connection/OCCK
Salina, KS
785/827-9383 Voice/TT

KACIL comes to this committee in support of HB 2152, a bill concerning the commission on Emergency Planning and Response. We believe this commission has an extremely important mission, and that there is a responsibility to include representatives of specific groups in our diverse population. KACIL wants to see that Kansas has a planned, coordinated effort when/if a natural disaster or emergency occurs in our state. There are specific issues that arise when it comes to planning for people with disabilities, thus we are pleased to see that there is one appointee that would speak to disability issues. We would urge the committee to ensure that the appointee has cross disability experience.

LINK, Inc.
Hays, KS
785/625-6942 Voice/TT

Prairie Independent Living Resource Center
Hutchinson, KS
620/663-3989 Voice

KACIL believes this legislation, this commission, and the specific appointment of an individual to represent disability are right in line with our mission statement. We believe that it is important to remember that as we build our communities to include more and more individuals with disabilities, we must also continue to plan for services needed in the event of a natural disaster or emergency response.

Resource Center for Independent Living, Inc.
Osage City, KS
785/528-3105 Voice

Thank you for your thoughtful consideration on this important legislation.

Southeast Kansas Independent Living, Inc.
Parsons, KS
620/421-5502 Voice
620/421-6551 TT

Please feel free to contact me with questions or requests for additional information.

The Whole Person, Inc.
Kansas City, MO
816/561-0304 Voice
816/627-2201 TT

Thank you for your time

Jennifer Schwartz
jennfiers@kacil.org

Three Rivers ILC
Wamego, KS
785/456-9915 Voice

Sen Fed & State