

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 March 15, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused
Senator Anthony Hensley- excused

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:

Others attending:

See attached list.

Final Action:

SB 368 - Professional corporations, allowing licensed audiologists to form.

A technical amendment was provided by staff to the bill. (Attachment 1) The amendment was offered at the committee hearing which also adds to the list licensed speech-language pathologists.

Senator Reitz moved to adopt the amendment and to pass SB 368 out favorably as amended. Senator Ostmeyer seconded the motion. The motion carried.

HB 2210 - Kansas veterans affairs; service grant programs

SB 276 - Kansas veterans health program

SB 277 - Veterans programs; eligibility for

SB 376 - Kansas commission on Veterans Affairs; Senate confirmation of members; filling of vacancies

Chairman Brungardt opened the hearing and discussion on **HB 2210, SB 276, SB 277, and SB 367.**

Staff provided an overview of the bills in a table format of current law and the proposed legislation.

SB 276 would change the name from The Persian Gulf War Veterans Health Initiative Act to The Kansas Veterans' Health Act; items that would change are: the number of members on the board would increase, the Governors' appointments, what groups a member would be from, the number of meetings, and would mandate a follow up survey to collect information on any changes in the conditions or symptoms of the veterans' who were initially surveyed. (Attachment 2)

SB 367 deals with the membership of the Kansas Commission on Veterans' Affairs, (Attachment 3) a list would be provided to the Governor and the Executive Director positions would be subject to Senate Confirmation. Currently only the VFW and the American Legion would meet the classifications as outlined in the bill.

The next table showed the differences between **SB 277, HB 2210**, and current law, which has been in effect since July 1, 2006. (Attachment 4) Qualified Veterans' Service Organizations under **HB 2210** is the American Legion; **SB 277** is American Legion, AMVETS, Military Order of the Purple Heart of the U.S.A., Inc., Vietnam Veterans' of America, Disabled American Veterans', and Paralyzed Veterans' of America, and under

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 15, 2007 in Room 231-N of the Capitol.

current law is the American Legion, AMVETS, Paralyzed Veterans of America, Vietnam Veterans of America, and Military Order of the Purple Heart of the U.S.A., Inc. Under current law, the Disabled American Veterans' and the Veterans of Foreign Wars of the United States would require a change in national policy. Disabled American Veterans' do not cross-accredit other veterans service organizations, and the Veterans of Foreign Wars of the United States do not accredit the Kansas Commission on Veterans Affairs. (Attachment 5) Fiscal Notes were provided for the bills. (Attachment 6)

Representative Candy Ruff provided written testimony in support of **HB 2210**. (Attachment 7) The bill spells out the eligibility of the Veterans Service Organizations and some tweaking from the bill last year. The claims program was designed to replicate the existing veteran services at the three veteran hospitals in Kansas, and using funds from the claims program the eligible Veterans' Service Organizations (VSO) would not only process VA benefit claims taken at the three hospitals, but also referrals from the KCVA.

Darrell Bencken, Kansas Veterans of Foreign Wars, provided written testimony in support of **HB 2210**. (Attachment 8) He asked the committee to give the present Grant Program a three year period to mature and prove to everyone that it is working beyond expectations.

George Webb, Executive Director, Kansas Commission on Veterans' Affairs, provided written testimony in opposition to **HB 2210**. (Attachment 9) The bill would take the veterans' assistance capability away from a state governmental agency and leave only the option of a private organization.

James Bunker, Chairman Kansas Persian Gulf War Health Initiative Advisory Board, provided neutral written testimony for **HB 2210**. (Attachment 10) If the bill is passed as is:

- may leave the American Legion as the only VSO able to be on the Granting Program
- Leaves veterans using the KCVA without a Power of Attorney. State may have a lawsuit
- Makes everyone use the National Association of County Veterans Service Officers training
- Leaving out "cross-accredit employees of Kansas Commission of Veterans Affairs (KCVA) and veterans' claims assistance representatives of other VSOs" lets the DAV and VFW use the program
- To allow other VSO in the program the bill would have to be amended
- The bill makes a lot of changes to a program that is less than a year old, and there are sections of the bill that ALL of the VSOs are not happy with

Joy Moser, Commissioner, Kansas Commission on Veterans' Affairs, provided written testimony explaining her concerns on **HB 2210** and **SB 277**. (Attachment 11) If **HB 2210** passes it would make it more difficult, if not impossible, for the KCVA to serve Kansas veterans. KCVA's goal is to help all Kansas veterans, this can be more easily done by expanding the numbers of veterans' organizations participating and thus can expect to reach greater numbers of veterans to help them in receiving the benefits they have earned and are entitled to. Veterans should be able to choose whom they give their power of attorney to, so that they may be helped. There are veterans that may go without benefits before they will give their power of attorney to certain veterans' organizations. Ms. Moser would recommend not passing **HB 2210**, as it is too soon to make changes to the law when not knowing for sure what changes are needed.

Chairman Brungardt closed the hearing and discussion on **HB 2210**, **SB 276**, **SB 277**, and **SB 367**, and told the committee that he would give them time to look over the material that was presented at the hearing.

The meeting was adjourned at 11:30 am. The next scheduled meeting is March 20, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 3-15-07

NAME	REPRESENTING
Harry Graham	Veteran's Foreign Wars
Paul Baker	K5 VETERANS OF FOREIGN WARS
Ken Stodgell	VFW
Ralph Snyder	American Legion
A.C. Bush	American Legion Post 411
Jack Falliere	American Legion Post 1
Vic Moreno Jr	AMERICAN LEGION Post #1
Martin Morgan	American Legion Post 411
Paul R. Arnold	American Legion Post 411
Don O'Reilly	American Legion
Sub-Antton	Post Audit
George Weblek	KCVV
CHRISTIAN KRAMER	DAV
Jim Bunker	Veteran Network
John Peterson	Capital Studies
Gard	John Peterson

SENATE BILL No. 368

By Committee on Ways and Means

2-28

9 AN ACT concerning professional corporations; relating to audiologists;
10 amending K.S.A. 2006 Supp. 17-2707 and repealing the existing
11 [section]

and 17-2710

sections

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 17-2707 is hereby amended to read as
15 follows: 17-2707. As used in this act, unless the context clearly indicates
16 that a different meaning is intended:

17 (a) "Professional corporation" means a corporation organized under
18 this act.

19 (b) "Professional service" means the type of personal service ren-
20 dered by a person duly licensed, registered or certified by this state as a
21 member of any of the following professions, each paragraph constituting
22 one type:

- 23 (1) A certified public accountant;
- 24 (2) an architect;
- 25 (3) an attorney-at-law;
- 26 (4) a chiropractor;
- 27 (5) a dentist;
- 28 (6) an engineer;
- 29 (7) an optometrist;
- 30 (8) an osteopathic physician or surgeon;
- 31 (9) a physician, surgeon or doctor of medicine;
- 32 (10) a veterinarian;
- 33 (11) a podiatrist;
- 34 (12) a pharmacist;
- 35 (13) a land surveyor;
- 36 (14) a licensed psychologist;
- 37 (15) a specialist in clinical social work;
- 38 (16) a licensed physical therapist;
- 39 (17) a landscape architect;
- 40 (18) a registered professional nurse;
- 41 (19) a real estate broker or salesperson;
- 42 (20) a clinical professional counselor;
- 43 (21) a geologist;

- 1 (22) a clinical psychotherapist;
- 2 (23) a clinical marriage and family therapist;
- 3 (24) a licensed physician assistant; ~~and~~
- 4 (25) a licensed occupational therapist; *and*
- 5 (26) ~~a licensed audiologist;~~

[; and
(27) a licensed speech-pathologist

6 (c) "Regulating board" means the court, board or state agency which
 7 is charged with the licensing, registering or certifying and regulation of
 8 the practice of the profession which the professional corporation is or-
 9 ganized to render.

10 (d) "Qualified person" means:

11 (1) Any natural person licensed, registered or certified to practice the
 12 same type of profession which any professional corporation is authorized
 13 to practice;

14 (2) the trustee of a trust which is a qualified trust under subsection
 15 (a) of section 401 of the federal internal revenue code, as in effect on
 16 January 1, 2004, or of a contribution plan which is a qualified employee
 17 stock ownership plan under subsection (a) of section 409A of the federal
 18 internal revenue code, as in effect on January 1, 2004; or

19 (3) the trustee of a revocable living trust established by a natural
 20 person who is licensed, registered or certified to practice the type of
 21 profession which any professional corporation is authorized to practice,
 22 if the terms of such trust provide that such natural person is the principal
 23 beneficiary and sole trustee of such trust and such trust does not continue
 24 to hold title to professional corporation stock following such natural per-
 25 son's death for more than a reasonable period of time necessary to dispose
 26 of such stock.

[Insert Sec. 2 on next page.

3 27 Sec. ~~17-2707~~ K.S.A. 2006 Supp. 17-2707 ~~is~~ hereby repealed.

[and 17-2710 are

4 28 Sec. ~~17-2710~~ This act shall take effect and be in force from and after its
 29 publication in the statute book.

Sec. 2. K.S.A. 2006 Supp. 17-2710 is hereby amended to read as follows: 17-2710. A professional corporation may be organized only for the purpose of rendering one type of professional service and service ancillary thereto and shall not engage in any other business, except that a single professional corporation may be organized to and render professional services under any two or more of the types set forth in items (2), (6), (13) and (17) of subsection (b) of K.S.A. 17-2707, and amendments thereto; under any two or more of the types set forth in items (4), (5), (7), (8), (9), (11), (12), (14), (15), (16), (18), (20), (22) or (23) of subsection (b) of K.S.A. 17-2707, and amendments thereto; under any two or more of the types set forth in items (8), (9), (18), (24) and (25) of subsection (b) of K.S.A. 17-2707, and amendments thereto; or under the types set forth in items (16) and (25) of subsection (b) of K.S.A. 17-2707, and amendments thereto, but shall be deemed to have the following purposes, whether or not authorized by its article of incorporation:

(23), (26) or (27)

- (a) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
- (b) to purchase, receive, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares of other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, insurance or annuities in any form, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof;
- (c) to pay pensions and establish pension plans, profit-sharing plans, stock bonus plans, stock option plans and other

incentive plans for any or all of its
directors, officers and employees;

(d) to do all things necessary or
incidental to the practice of the profession
which the professional corporation is
authorized to practice.

<p style="text-align: center;">Proposed</p> <p>The Kansas Veterans Health Act</p>	<p style="text-align: center;">Current law</p> <p>The Persian Gulf War Veterans Health Initiative Act</p>
<p>Definition of "veteran" means a person who served on active service and who was discharged or released from the service under conditions other than dishonorable, and it also includes everyone still serving on active duty in the National Guard or is one of the reserve components that was deployed to hostile theater operations.</p>	<p>Definition "veteran" means a person who is a resident of Ks. who was a member of the armed forces of the USA and who served in such armed forces in the area of operations of the Persian Gulf War during the Persian Gulf War or thereafter regardless of whether such person is still actively serving in the armed forces or reserve.</p>
<p>Kansas Veterans Health Board Eleven members, five members to be veterans The Disabled American Veterans, the Veterans of Foreign Wars of the United States, the American Legion and other veterans organizations in Ks. to send a list of no less than two nominations of veterans.</p>	<p>Persian Gulf War Veterans Health Board Nine members, three are veterans The Disabled American Veterans, the Veterans of Foreign Wars of the United States and the American Legion to send a list of three nominations of veterans from each veterans' organization.</p>
<p>The Governor would appoint one veteran from each list, but subject to a total of five veterans, and no two from the same organization list.</p>	<p>The Governor would appoint one veteran from each list.</p>
<p>If any veteran member fails to attend two meetings during one year, the veteran may be replaced by the Chairperson using the list as long as no two are from the same organization.</p>	<p>No such requirement</p>
<p>The Board would include up to six clinical or research professionals with expertise in toxicology, epidemiology, traumatic injury, trauma related psychiatric disorders, neurology, family dynamics, social work, human services and physical therapy.</p>	<p>1 member qualified from epidemiology, toxicology & genetics; 1 member qualified in family dynamics. Notification to one or more medical or behavioral science areas required & a list of 3 nominations from that specialty area with the Commission appointing one member of the board from each list.</p>
<p>Two Ks. legislators appointed to the board; one by the Speaker of the House of Representatives and one by the President of the Senate.</p>	<p>Identical Requirement</p>
<p>The Board would include at least three representatives appointed by the Commission from the state or federal agencies that may include U.S. Department on Veterans Affairs, the Department of Labor, the Kansas Adjutant General's Office, the Kansas Department of Health and Environment and the Kansas Department of Social and Rehabilitation Services</p>	<p>No such requirement</p>
<p>Three year terms, but no person would be appointed for more than two successive three-year terms.</p>	<p>Identical Requirement</p>
<p>Board would meet at least six times a year.</p>	<p>Board would meet at least four times a year.</p>
<p>Survey</p> <p>Mandates follow up survey to collect information on any changes in the conditions or symptoms of the veterans who were initially surveyed.</p> <p>Based on follow up survey the Board would establish a plan of action to address the health needs of the veterans & seek funding for additional research.</p> <p>The Board develop materials need to conduct veterans briefings, handouts and press releases on health issues affecting Ks. veterans.</p> <p>The Board would also be required to conduct a study aimed at identifying the fiscal effect of deployment on Ks. veterans.</p>	<p>Survey</p> <p>Initial survey required which has been completed.</p>
<p>The bill would establish a staff position to serve the Board.</p>	<p>No such requirement</p>

SB 367	
Proposed	Current law
<p style="text-align: center;">Membership of the Ks. Commission on Veterans Affairs</p> <ul style="list-style-type: none"> • Five members appointed by the Governor subject to confirmation by the Senate <hr/> <ul style="list-style-type: none"> • Members would serve at the pleasure of the Gov. Each time a vacancy occurs, the Chairperson or designee would request in writing a list of three eligible candidates from each congressionally chartered veterans service organization with head-quarters in Ks. The Chair would consolidate the lists and provide the list to the Gov no later than 30 days after the vacancy occurs. The Gov. would select a replacement from the list.* <hr/> <ul style="list-style-type: none"> • The Executive Director positions would be subject to Senate confirmation. 	<p style="text-align: center;">Membership of the Ks. Commission on Veterans Affairs</p> <ul style="list-style-type: none"> • Five members appointed by the Governor <hr/> <ul style="list-style-type: none"> • (Stricken) The Gov. may remove a Commissioner for good cause. Any vacancy occurring is filled by appointment for the unexpired term in the same manner that original appointments are made. <hr/> <ul style="list-style-type: none"> • No such requirement.

* Currently only the VFW and the American Legion would meet the classifications as outlined in SB 367.

SB 277 Proposed	HB 2210 Proposed	Current law
Relating to the Veterans Claims Assistance Program	Relating to the Veterans Claims Assistance Program <i>Prosecution of claims before fed. Veterans' Adm</i> All claims field with federal Department of Veterans Affairs by the Ks. Commission on Veterans Affairs would be prosecuted by an accredited representative of a congressionally chartered veterans service organization recognized by the Secretary of the U.S. Department of Veterans Affairs to act as an agent or attorney in the preparation, presentation or prosecution of any claim under laws administered by the Secretary of Veterans Affairs participating in the grant program.	Relating to the Veterans Claims Assistance Program <i>Prosecution of claims before fed. Veterans' Adm.:</i> All claims field with federal veterans' adm. by Ks. veterans' commission would be prosecuted by an accredited representative of one of the participating veterans' organizations.
<i>Veterans Claims Assistance Program (K.S.A. 73-1234)</i> To receive a service grant to perform services under the Veterans Claims Assistance Program a veterans service organization would be required as follows:	<i>Veterans Claims Assistance Program (K.S.A. 73-1234)</i> To receive a service grant to perform services under the Veterans Claims Assistance Program a veterans service organization would be required as follows:	<i>Veterans Claims Assistance Program (K.S.A. 73-1234)</i> To receive a service grant to perform services under the Veterans Claims Assistance Program a veterans service organization would be required as follows:
<ul style="list-style-type: none"> Congressionally Chartered by the United States Congress; Organization would agree, in a timely manner, to accredit the veterans service officers of the Ks. Commission on Veterans Affairs who have been trained to the level required by the National Association of County Veterans Service Officers; 	<ul style="list-style-type: none"> Same Organization would agree to cross accredit the officers and employees of the Ks. Commission on Veterans Affairs and veterans claims assistance representatives of other veterans organizations who are working in U.S. Department of Veterans Affairs facilities and are performing services under the assistance program. 	<ul style="list-style-type: none"> Same Organization would agree to cross accredit the officers and employees of the Ks. Commission on Veterans Affairs and veterans claims assistance representatives of other veterans organizations who are performing services under the assistance program.
<ul style="list-style-type: none"> No such requirement 	<ul style="list-style-type: none"> Same as current law 	<ul style="list-style-type: none"> Organizations would agree to participate in one-stop veterans service centers at each federal veterans administration medical center in Kansas.
<ul style="list-style-type: none"> Demonstrate the receipt of monetary or service support from its own organization for the veterans claims assistance program 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Same
<ul style="list-style-type: none"> Demonstrate the ability to comply with the requirements of the bill or the Ks. Commission requirements for accounting, service work activity & other satisfactory performance requirements & measures. 	<ul style="list-style-type: none"> Same 	<ul style="list-style-type: none"> Same
	<ul style="list-style-type: none"> Have established a state headquarters in Kansas 	<ul style="list-style-type: none"> No such requirement
	<ul style="list-style-type: none"> Have staff present in U.S. Veterans Affairs Medical Centers in Topeka, Leavenworth and Wichita 	<ul style="list-style-type: none"> No such requirement
	<ul style="list-style-type: none"> Have membership residency in at least 50% of Ks. counties 	<ul style="list-style-type: none"> No such requirement

SB 277 Proposed	HB 2210 Proposed	Current law
	<ul style="list-style-type: none"> At least 3 most recent fiscal years residence in U.S. Department of Veterans Affairs in Ks. In the last 12-months have filed 300 claims for which the service organization has power of attorney Agree to make no reference to membership eligibility on claims documentation and not solicit membership due to information received on claim form Agree to cross-accredit service officers participating in the service grant program to include partnered veterans service organizations and Ks. Commission staff located in the V.A. Medical Centers in Topeka, Leavenworth, and Wichita. Cannot supplant veterans service organization's monetary support currently provided to the V.A. Medical Centers in Topeka, Leavenworth and Wichita and the dollars will be equal to or greater than the money provided in the previous year. 	<ul style="list-style-type: none"> No such requirement No such requirement No such requirement No such requirement No such requirement
<p>Advisory Board Eight members as follows:</p> <ul style="list-style-type: none"> The Director of the Veterans Claims Assistance Program Governor appointments Four members would be veterans representing: American Legion Disabled American Veterans Veterans of Foreign Wars Vietnam Veterans of America 		<p>Advisory Board Six members as follows:</p> <ul style="list-style-type: none"> Same Governor appointments Three members would be veterans representing veterans service organizations.
<ul style="list-style-type: none"> The Director would notify the state level unit of each national veterans service organization to submit a list of three nominations of veterans from the organizations 		<ul style="list-style-type: none"> No such requirement
<ul style="list-style-type: none"> Two legislators, 1 each appointed by the Speaker of the House, President of the Senate; 1 each a Democrat and a Republican. 		<ul style="list-style-type: none"> Same
<ul style="list-style-type: none"> Last member is not specified in the bill 		<ul style="list-style-type: none"> N/A
<ul style="list-style-type: none"> No such requirement 		<ul style="list-style-type: none"> The Director would notify the state level unit of each national veterans service organization located in the federal Depart. Of Veterans Affairs in Wichita, Ks and request written confirmation of the intent of the organization to participate in the assistance program and request an annual service grant.

Qualified Veterans Service Organizations Under SB 277, HB 2100 and Current Law

SB 277	SB2210	Current Law
American Legion	American Legion	American Legion
AMVETS		AMVETS
Military Order of the Purple Heart of the U.S.A., Inc.		Paralyzed Veterans of America
Vietnam Veterans of America		Vietnam Veterans of America
Disabled American Veterans		
Paralyzed Veterans of America		Military Order of the Purple Heart of the U.S.A., Inc.

Veterans Service Organizations in Kansas that have not opted out:

American Legion
 AMVETS
 Disabled American Veterans*
 Military Order of the Purple heart of the U.S.A., Inc.
 Paralyzed Veterans of America
 Veterans of Foreign Wars of the United States*
 Vietnam Veterans of America

* Under current law, the Disabled American Veterans and the Veterans of Foreign Wars of the United States would require a change in national policy.

Disabled American Veterans do not cross accredit other veterans service organizations.

Veterans of Foreign Wars of the United States do not accredit the Kansas Commission on Veterans Affairs.

February 12, 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 2210 by House Committee on Veterans, Military and Homeland Security

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2210 is respectfully submitted to your committee.


HB 2210 would amend existing law concerning the Veterans Claims Assistance Program (VCAP) and the organizations that are eligible to participate in this program. The bill would define "participating veterans' organizations" that would be allowed to prosecute veterans' claims as congressionally-chartered veterans service organizations (VSOs) recognized by the Secretary of the U.S. Department of Veterans Affairs (DVA) to act as agents or attorneys in handling claims for benefits contained in laws administered by the DVA and who are already participating in VCAP. In addition, the bill would specify that funding from VCAP could be awarded, first, to VSOs currently participating in the grant program, at levels greater than or equal to their FY 2007 grant awards, and second, to other eligible VSOs, based on the availability of funds and number of applicants.

Current law states that in order for a VSO to be eligible to perform services under VCAP, it must agree to cross-accredit officers and employees of the Kansas Commission on Veterans Affairs (KCVA). Cross-accreditation means that, not only can VSRs advise veterans on their rights and benefits, they are able to access the veterans' files and records as the veterans' claims move through the DVA system. HB 2210 would limit that requirement to cross-accreditation only of officers and employees of KCVA who are working in DVA facilities and performing services related to VCAP. The bill would add a number of other eligibility requirements that VSOs must comply with in order to participate in VCAP. These requirements are concerned with length and type of VSO presence in the state, previous service to veterans, and willingness to comply with spending restrictions on VCAP funding.

The Honorable Don Myers, Chairperson
February 12, 2007
Page 2—2210

Passage of HB 2210 would require that the VCAP board spend approximately 60 hours developing and approving additional rules and regulations. The agency estimates that the total cost would be \$1,710 (60 hours X \$28.50 per hour).

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Jim Frederick, Veterans Affairs

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

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 277 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 277 is respectfully submitted to your committee.

Current law requires that veteran services organizations (VSOs) participating in the Veterans Claims Assistance Program (VCAP) cross accredit the officers and employees of the Kansas Commission on Veterans Affairs (KCVA) and veterans' claims assistance representatives of other VSOs operating under VCAP and agree to participate in one-stop veterans' service centers at each federal Division of Veterans Affairs (DVA) medical center in Kansas. Under current law, the Veterans Claims Assistance Advisory Board consists of six members, of which three are veterans representing VSOs. The director of VCAP is required to contact the state-level unit of each national VSO which has an office in the DVA Regional Office in Wichita, Kansas to request written confirmation of the intent of that VSO to participate in VCAP. At the same time, the director asks each VSO to submit a list of three nominees from its organization. From these nominations, the veteran members of the Veterans Claims Assistance Advisory Board are chosen.

SB 277 would require the VSOs to accredit, in a timely manner, only Veteran Services Representatives of KCVA who have been trained to the level required by the National Association of County Veterans Service Officers. Under this bill, however, VSOs would no longer be required to cross accredit veterans' claims assistance representatives of other VSOs operating under VCAP or participate in one-stop veterans' service centers at each DVA medical center in Kansas. In addition, the bill would increase the number of board members on the Veterans Claims Assistance Advisory Board from six to eight. The number of members who would be representatives of VSOs would be four and include representatives of the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and the Vietnam Veterans of America. The bill does not indicate how the eighth member of the board would be

The Honorable Pete Brungardt, Chairperson
February 14, 2007
Page 2—277

chosen. The director of VCAP would no longer be required to contact the state level unit of each national VSO which has an office in the DVA Regional Office in Wichita, Kansas to request written confirmation of the intent of that VSO to participate in VCAP.

Based on annual costs of meetings per board member provided by the agency, passage of SB 277 would cause an increase in expenditures of \$936 from the State General Fund for subsistence, mileage, and other expenses (\$117 per meeting X 2 additional board members X 4 meetings). Any fiscal effect resulting from the 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

March 13, 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 367 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 367 is respectfully submitted to your committee.

Current law specifies that the Governor appoint the five members of the Kansas Commission on Veterans Affairs and the Executive Director of the Commission. SB 367 would require that vacancies on the Commission be filled by the Governor from lists of three eligible candidates from each congressionally-chartered veteran service organization with permanent headquarters in Kansas. The bill would also make the Governor's appointments of Commission members and the Executive Director subject to approval by the Senate.

Background checks are performed routinely for members of boards and commissions appointed by the Governor and subject to approval of the Senate. However, this is an optional expense at the request of the agency, not a legal requirement. Therefore, although technically this bill does not require a fiscal effect, it is likely that the Commission would exercise its option of having a background check performed on future appointments at a cost of \$54 each. Of that total, \$30 is retained by the KBI to cover its own expenses, and \$24 is remitted to the FBI for its part of the background check.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Jim Frederick, Veterans Affairs

STATE OF KANSAS

7

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
(913) 682-6390



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: VETERANS, MILITARY &
HOMELAND SECURITY AFFAIRS
MEMBER: COMMERCE & LABOR
MEMBER: JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

STATE CAPITOL, ROOM 322-S
TOPEKA, KANSAS 66612
(785) 296-7647
E-MAIL: Ruff@house.state.ks.us

To: Members of the Senate Federal and State Affairs Committee

From: Rep. L. Candy Ruff

Re: Testimony for HB 2210

Date: March 15, 2007

When the Kansas Legislature passed SB 396 last year, Sen. Ralph Ostmeyer and I knew there would be some tweaking this year to the Veteran Claims Assistance Program. The bill before you today, HB 2210, not only includes some clean up language for the claims program, it also represents provisions we had hoped could be addressed in rules and regulations. Commissioners for the Kansas Commission on Veterans Affairs rejected some of the work done by the Advisory Council (created in SB 396), asking that eligibility criteria for the Veteran Service Organizations (VSO) be placed in statute.

HB 2210 spells out that eligibility keeping in mind the perimeters of our legislative intent. When the decision was made last year to dissolve the over 60-year dual employment relationship between the state and the American Legion and Veterans of Foreign Wars (VFW), the claims program was designed to replicate existing veteran services at the three veteran hospitals in Kansas. KCVA would continue its rural/outreach efforts with veteran service representatives (VSRs) who served as points of intake in the process of veterans seeking benefits from the Veterans Administration. And now, using funds from the claims program as well as their own money, the eligible VSOs would not only process VA benefit claims taken at the three VA hospitals, but also referrals from the KCVA.

Following examples from the state of Washington as well as other states, the legislation last year directed KCVA to initiate the most important aspect of the new claims program, a quality control initiative operated at the Wichita office. All claim requests for VA benefits, whether from a KCVA intake worker or from a VSO in a hospital, were directed to the central clearing point to be logged in, checked for thoroughness and proper documentation and then forwarded to the VSO named by the veteran as his/her power of attorney. Not only does this quality control measure guarantee a reduction on the number of errors in the initial application process, but reduces the number of claims that are appealed because of incomplete information or improper documentation.

When criteria for the claims program was discussed last year, several items stood out. Because the state was dissolving a long-time relationship with VSOs (American Legion and VFS) who had been permanent fixtures in the three VA hospitals for decades, those eligible for the new funding would need to have a similar presence. At the time, Rep. Lee Tafanelli described these VSOs as having "a large footprint in Kansas," and our Advisory Council endeavored to come up with criteria that fit the description, which you will see on page three of the bill.

What I take exception to is the inference that these criteria somehow intentionally excluded the Disabled American Veterans. Frankly, the DAV had eliminated itself from consideration long before the claims program was created. Twice the DAV entered into short-time dual employment arrangements with the state, once in the late 1950s and again in the mid-1980s. Both times, the group voluntarily left state service because it did not want to comply with our reporting requirements. From what I understand of the circumstances, the DAV balked at sharing the contents of its files and the reporting obligations required of any VSO doing business with the state.

When the quality control component of the claims program became evident last year, the DAV showed no interest in participating. Not only would it not submit its claims to be reviewed for thoroughness and completeness, the DAV was not inclined to have its claims tracked for appeals. In fact, it was KCVA's executive director George Webb's claim that DAV was responsible for 90 percent of the appeals being handled by the VA hearing officers in Wichita that prompted me to look into the appeals process.

Because the Kansas Legislature has its own sources of information, I was able to secure from the Veterans Administration details on the appeals process or what it calls remands. More often than not appeals occurred because additional information was needed or the original claim application was not completed correctly. Of course, when disability claims were denied, an appeal also took place to protest the denial. The VA said Mr. Webb was quoting its Board of Veterans Appeals' hearing schedule for the last week of March, when the DAV was slated to appear on 32 appeals, American Legion, 4; and VFW, 2. However, the statistics nationwide follow a similar pattern with the DAV accounting for nearly 40 percent of the appeals, the American Legion at 17 percent, and the VFW at nearly nine percent.

The issue of cross accreditation is one that deserves attention. Although this bill calls for VSOs in the claims program to cross accredit not only one another but those KCVA personnel who work at the Wichita regional office. Frankly, cross accreditation needs to be extended further to those KCVA VSRs who work in regional offices and need access to veteran records. Because of the dictates that govern access to records in the Veterans Administration, it is impossible to view them on a "read only" basis. However, the VSOs being asked to offer this accreditation are hesitant about the details. When this bill is worked, the amendment I intend to offer will address those concerns.

Besides the veterans claims program, this bill also affirms the state's policy in regards to KCVA serving as its own veteran service organization. Although a recent Attorney General's opinion said the state agency could serve as a veteran's power of attorney when it came to taking and processing benefit claims, this bill clarifies the state's policy. During the Oct. 20, 2006, KCVA commissioners' meeting, Vice Chairman Ed Wieggers said it was not the Commission's intention to have KCVA handle claims from start to finish. The language in the amendment Rep. Jan Pauls assisted me in drafting affirms Commissioner Wieggers' statement.

I realize this is a policy first established in the early 1950s and there may be some who feel as though its' time has come. But I have to disagree. There are nine VSOs in Kansas who serve as power of attorney for veterans seeking help from the VA from burial assistance to disability benefits. In testimony

presented last year to our Veterans committee, there were only three instances in the past 11 years when a veteran did not want to use any of the VSOs. When a veteran designates a Power of Attorney, he places faith in that VSO to represent him from start to finish no matter how complicated his claim gets or no matter what legal or medical assistance will be required. The state should not get itself into a potential costly situation by allowing KCVA to serve as its own VSO. And the idea of KCVA passing off the more costly and complicated claim cases to another VSO when it looks like they could become liable for the state is insulting to the veteran who placed his faith in KCVA in the first place.

HB 2210 takes the Veterans Claims Assistance Program into its second year by placing its eligibility criteria in statute, and clarifying the state's position on KCVA of not assuming the position of a veteran's service organization. Because the state had a decades-long relationship with the VFW and American Legion, it was only natural that these two VSOs would inherit the initial phase of the claims program. It was never the intention of last year's committee to completely eliminate other VSOs from participation. Although our goal in creating this program was to replicate the existing services already being given to veterans in the three VA hospitals in Kansas, we hoped that after the program was in affect for a few years, it could be expanded.

When this bill is worked, it is my intention to call for a Legislative Post Audit at the end of three years to evaluate the program's effectiveness. With that information in hand, I will be the first to suggest changes in the program that opens it up to the VSOs with a presence in at least one of the VA hospitals in Kansas.

(8)

TESTIMONY TO THE SENATE AND FEDERAL STATE AFFAIRS COMMITTEE
BY DARRELL F. BENCKEN, KANSAS VETERANS OF FOREIGN WARS
IN SUPPORT OF HOUSE BILL 2210

Mr. Chairman, members of the Veterans Committee. My name is Darrell Bencken and I represent the Kansas Veterans of Foreign Wars on the Veterans Service Grant Advisory Committee as the Governor's appointee. I want to thank you for the opportunity to testify here today on behalf of the Veterans Service Grant program.

As you are aware SB 396 passed last year by unanimous vote in both the House and Senate. The program was mandated to be in effect by August 1, 2006.

From June 2004 to the start of the Grant Program, VFW Service Offices were never up to strength with accredited Service Officers. The Kansas Commission on Veterans Affairs refused to replace our Service Officers under the partnership we had with the State of Kansas during that period, two (2) VFW Service Officers retired, one(1) quit and went to the VA and one (1) was lost to illness. Of course, during that time our service to veterans and their families plummeted.

During the period of November 2004 to November 2005 claim service by the KCVA was reduced nearly 50% due to the vacant offices and positions within the VFW and American Legion. This data is available through the KCVA's own reporting system, not ours. In 2005, the KCVA convened a committee to study the Joint Employment Agreement between the State of Kansas, VFW and the American Legion. For some reason we never understood and could not find out, the Disabled American Veterans (DAV) were included with a representative on the committee although they were not a part of the partnership. However, we were later told the KCVA asked the DAV to participate, thus assuring a 3 to 2 vote on every issue.

The DAV was a participant in the agreement many years ago but withdrew because they did not want to report their activity to the state or any other organization. A position the DAV maintained all during the Joint Employment Committee meetings and the meetings of the Veterans Service Grant Committee.

Yet, you have heard in testimony by the KCVA Executive Director that the Grant Program should be expanded to include them and any other veterans' organizations that exist. For your information, application forms were sent to every Kansas Veterans Organization that qualified in KSA 73-1211, which is the current statute covering eligibility to the State Veterans Service organization partnership. All of these organizations declined to participate except the Kansas VFW and American Legion. Also, I have not witnessed their presence before this committee. That indicates they have no interest in this Grant Program and further indicates they would not be an asset to the program.

In closing, I would ask one thing of this committee and that is for you to give the present Grant Program a three (3) year period to mature and prove to everyone that it is a working beyond expectations and we have the documentation to prove it.

Thank you again for allowing me to testify before you.

I now stand for questions.

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TESTIMONY REGARDING HB 2210
George Webb
Executive Director, Kansas Commission on Veterans' Affairs
March 14, 2007

Thank you for the opportunity to comment on HB 2210 which is before you. There are some aspects of this bill which greatly concern my governing Commission.

I would like to emphasize at the outset that the Commission supported a grant program as a sound way of resolving the problematic issues inherent in the earlier Joint Employment Agreement (JEA). After studying almost all the other states, I personally felt that this was absolutely the right way to go – and said so in my formal JEA Committee report to the Commission in January, 2006 and my testimony to the Senate Ways and Means Committee in February, 2006. Much credit is due to those who worked SB 396 (which has become KSA 73-1234), and the KCVA greatly appreciates the Governor's and Legislature's support in funding to make it happen.

Hence, the Agency fully supports the Commission in its guidance to make the grant program work to the benefit of all Kansas veterans. Since the two participating organizations hired their Veteran Service Representatives (VSRs) only last September, it is too early to pass judgment on its success. Some VSRs had to be brought in as new hires by those organizations, so there is a learning curve. In addition, since compensation claims take roughly six months in the VA system for adjudication, it is impossible to declare victory on the program. Any statistics now under review were generated by activity under the earlier system. That said, indications are very positive with this program, and I am confident that it will improve service to veterans.

There were some issues included in the amendment to HB 2210 that passed in committee and then the entire House which may not have been fully understood or intended. The Commission was concerned enough about these that it called a special meeting on March 1st. The Commission considered these and by formal vote directed me to explain to the Senate where the version of HB 2210 before you is off the mark.

The first consideration is regarding a new line in Section 2: **"No employee of the Kansas commission on veterans affairs shall act as an agent with power of attorney for any claimant."** During testimony on this bill with the House Committee on Veterans, Military, and Homeland Security, I pointed out that what was proposed in Section 1 was extremely detrimental to Kansas veterans. While Section 1 proposed changes were struck in the balloon amendment, a substantial portion of what was struck now appears in this new line in Section 2.

The Department of Veterans Affairs recognizes 37 veteran's organizations and all 50 state organizations (like the KCVA) to present claims on behalf of veterans. While a veteran may submit his own claim to the VA or use a VA employee to help, most often the Kansas veteran will go to either a veterans organization or a KCVA service rep for help. A veteran who seeks such assistance is asked to select a particular organization to act as his or her Power of Attorney. The KCVA is just as eligible as any veterans organization to represent that claimant, and the only time when a state organization would have to back off is in the extremely rare case in which, following other appeals, the veteran wishes to make his last appeal to the Court of Veterans Appeals in Washington, D.C. This circumstance is rare enough that it is not an issue – and if it were to occur, the veteran could switch his POA to an organization with a Washington, D.C. attorney.

By imposing this line, the KCVA is potentially removed from important steps in assisting veterans; the choice of veterans who may wish to choose the KCVA as their POA is taken from them; the KCVA is

essentially emasculated in its operation; and the Legislature would in fact be taking a veterans assistance capability away from a state governmental agency and leaving in place only the option of a private organization. The Commission recognized that state government will always be available to serve the citizens of Kansas, and the state's leadership can impose guidance that will be followed. Government has no such assurances from private organizations, regardless of good faith promises.

I would add that the KCVA has no plans for a wholesale claims representation program of its own in competition with other organizations, and we expect that most KCVA-generated claims will still be passed to service organizations if the veterans so request. However, there are cases when the veteran specifically refuses to have a service organization represent him, and we need to preserve the ability to serve the veteran's desires.

In its deliberations, the Commission stated that it is imprudent for the state to put in the circumstance that prevents helping veterans; it also wanted the Senate to know that if passed, Kansas would stand alone among all 50 states in losing this capability granted by the federal government.

The Commission voted unanimously that I should appear before you and ask that this line be struck.

The second consideration is the requirement for cross-accreditation of service representatives: **"The person to be cross-accredited shall provide proof to the veterans service organization that the person has successfully completed the national association of county veterans service officers training...."** The Commission believes that this requirement was made in error by the authors. Otherwise, it imposes on the KCVA as well as grant program participants the requirement to undergo NACVSO training as a qualifier for the grant program. While NACVSO training is recognized nationally as an excellent training program, it is not the only one. The American Legion and the Veterans of Foreign Wars, for example, conduct their own training rather than using NACVSO. If this statutory wording remains, the two organizations receiving grant funds from the state would be disqualified until they attended NACVSO training – an unnecessary double training requirement.

Senate Bill 277, on the other hand, was much better worded when, in order to establish a training baseline; it required those cross-accredited service representatives to be **"trained to the level required by the national association of county veterans service officers...."** The Commission believes that this wording, offering a baseline with more latitude, is what was intended and what should be included in statute. The Commission directed me to suggest that the wording be changed to reflect, **"National Association of Country Veterans Service Officers training or its equivalency...."**

I thank the Committee for its time and consideration, and on behalf of the Commission, I ask that if the Legislature wishes to make changes to a statute on a program that is but six months old, that these changes be incorporated for the benefit of Kansas veterans as well as those who represent them.

Respectfully submitted on 8 March, 2007,



GEORGE S. WEBB
Executive Director

Testimony of James Bunker on House Bill 2

Dear Committee Chair and members of the committee, I stand before you today opposed to HB2210.

These Power point sides will show you why.

Thank you,

James A Bunker

Chairman

Kansas Persian Gulf War Health Initiative Advisory Board

Kansas Service Officer Granting Program

- This program was passed last year and had been running since September.
- Four VSOs were qualified and two were picked. *
- Not all terms have been met for this year by the two in the program (accrediting the KCVA VSRs that are trained)

***AMVETS and the Military Order of the Purple Heart not receiving grants**

VSR offices in Kansas

American Legion	Now has three offices due to the granting program.
AMVETS	Has one office. Not in the granting program
Disabled American Veterans	Has their own in each VAMC before the granting program.
Military Order of the Purple Heart.	Has one office. Not in the granting program
Paralyzed Veterans of America	Has one office. Not in the granting program.
Veterans of Foreign Wars of the United States	Now has three offices due to the granting program.
Vietnam Veterans of America	Has one office. Not in the granting program

The KCVA after the granting program has 15 field offices (14 filled) and one office in the RO.

Before the granting program KCVA did claims for the Legion, Blinded Veterans, VFW and some veterans not wanting any of the service organization doing their claims.

At this time KCVA does have POA on veterans. If HB 2210 passes, what will happen to those veterans? Will they file a lawsuit on taking away their POA that the federal government gave them?

VSOs wanting to be in the granting program.

Two could not be in the program as of 1 July 2006. See notes.

- American Legion
- AMVETS
- Disabled American Veterans*
- Military Order of the Purple Heart
- Veterans of Foreign Wars**
- Vietnam Veterans of America

•*National policy does not let them to accredit any other veteran organization

•** Had the same national policy as the DAV until a few months ago. They had to pass a new rule only for Kansas so they could conform to law.

•SB 277 would let the DAV to take part in the program

Source:

1. Minutes of advisory board meeting,
2. VFW national training manager.
3. DAV national training manager.

VSO's that can now cross-accredit the KCVA VSR's when trained

- American Legion
- AMVETS
- Disabled American Veterans*
- Military Order of the Purple Heart
- Vietnam Veterans of America***

VSO's that cannot:

- Veterans of Foreign Wars**

* Will do the training for the state, Source: DAV letter*

** Will not do this, Might do it later. VFW National Training Standards rep.

*** Training at or better than NACVSR

Number of new VA comp claims pending in the Wichita VARO (per 300+ requirement)*

- Veterans of Foreign Wars+ 986
- Disabled American Veterans+ 938
- American Legion+ 840
- Doing by themselves 790

•Source: VA Database on March 7, 2007. This does not count the claims that are in the appeals stage.
• VA has DAV doing 90% of the presently scheduled appeals.
•+These three VSOs are the only ones with offices in all of the VAMC's

HB 2210 New Grant Program Qualifiers

- Cross-accredit employees of Kansas Commission of Veterans Affairs (KCVA) and veterans claims assistance representatives of other VSOs if that person has successfully completed the National Association of County Veterans Service Officers training and fulfilled continuing education requirements.
- If that person fails to meet the continuing education requirements, the cross-accrediting VSO may terminate the cross-accreditation of that person.
- Have established state headquarters in Kansas; **Needs to be defined.**
- Have staff present in the three United States Department of Veterans Affairs (USDVA) medical centers located in Topeka, Leavenworth and Wichita;
- Have membership residency in at least 50 percent of the Kansas counties;
- Have had an established office presence in the USDVA regional office in Kansas for at least the three most recent state fiscal years;
- Have assisted in filing a minimum of 300 claims for veterans for which the VSO has power of attorney in the past 12-month period;

If passed as is, HB 2210:

- May leave the American Legion as the only VSO able to be in the Granting Program
- Leaves veterans using the KCVA without a POA. State may have a lawsuit over this.
- Makes everyone use the National Association of County Veterans Service Officers training, something no one wants.

HB 2210

- **Leaving out “cross-accredit employees of Kansas Commission of Veterans Affairs (KCVA) and veterans claims assistance representatives of other VSOs” lets the DAV and VFW use the program.**
- **To have the other VSO in the program would take removing a lot of this bill.**
- **HB 2210 makes a lot of changes to a program that is less than a year old. Even after passing the House in 2007, there are parts in the bill that ALL of the VSOs are not happy with.**

Joy D. Moser
2840 Capital View Court
Topeka, Kansas 66605-1909

March 13, 2007

Senator John Vratil
Kansas State Senate
Topeka, Kansas

Dear Senator Vratil:

I hope that you remember me. Perhaps you remember our discussion of the Vratil name that I was familiar with from Larned, Kansas area, since I came from western Kansas.

My name is Joy D. Moser and my charge, as a Commissioner with the Kansas Commission on Veterans' Affairs, is to take care of veterans in the state of Kansas and I'm trying to do that. In August of 2006, Governor Kathleen Sebelius appointed me as a commissioner for the KCVA. There was much to learn and I'm working very hard to ensure that Kansas takes care of the numerous veterans that we currently have and the increasing number of veterans that are returning from the War on Terror.

Although I retired from the Kansas National Guard and also served as a state employee as the Public Affairs Officer for The Adjutant General's Department, I believe that it is my responsibility to take care of all the veterans in Kansas.

Therefore I am greatly concerned about several bills before the Senate Federal and State Affairs Committee on Thursday, March 15, which would make it more difficult, if not impossible, for us to serve Kansas veterans.

HB2210, as amended, is a bill with drastic changes to the grant program that was initially passed last year by the Kansas legislature. We are in the first year of that program and already some people wish to change the program without any indication that there is a need for it.

One change that HB2210 -Am, on page 2 in lines 6 and 7, would insert is the following: "No employee of the Kansas commission on veterans' affairs shall act as an agent with power of attorney for any claimant." This statement, if passed, would hurt veterans throughout the state.

The Department of Veterans Affairs recognizes the KCVA and 49 other state veteran's agencies to present claims on behalf of veterans. It also recognizes 37 veterans organizations within the United States to do the same thing.

Presenting claims is done by accepting a veteran's request for assistance and receiving the power of attorney to act on his or her behalf in the claims process.

Eliminating the KCVA from this process will prevent the KCVA from providing the assistance that we, as a State veteran's agency, are charged with providing. The result is that Kansas would become the only state in the union which prohibits the state veteran's agency from doing their job, and our veterans would suffer for it.

Another problem area in HB2210-Am, as written on page 3, line 3 -12, regards training of veterans service officers who are employed by KCVA and the veterans service organizations in the grant

Sen Fed & State

Attachment 11

3-15-07

program. The concern here is with cross accrediting which is done so that the power of attorney c check for the veteran on the status of the benefit claim and discuss any adjustment that may need to be made with regard to the claims process. The training needed to receive this cross accreditation has been changed by the wording in the bill. The new wording requires National Association of County Veterans Service Office training. While acceptable training is done by various veteran's service organizations, the two veterans service organizations (American Legion and Veterans of Foreign Wars) currently in the grant program do not have this NACVSO training. That means the two grant recipients would not be able to accept applications from veterans to assist them in securing benefits.

The wording in SB277 is much better but it would be even better to change "trained to the level required by the national association of county veterans service officers...." to "National association of county veterans service officer training or its equivalency..."

The third area of concern found in HB2210, page 3, lines 19 - 43+, is in regard to eligibility for the grant program. The current law (KSA73-1234) allows a number of veterans organizations and the KCVA to assist veterans by accepting applications, serving as the veteran's power of attorney for claims and assisting in processing the benefits claims. Although we are only 9 months into the first year of the grant program, HB2210-Am, would change the eligibility requirements for participation in the grant program. The stipulations in italics in the amended bill would limit by statute the receipt of grant program monies to only the American Legion and Veterans of Foreign Wars. The eligibility requirements listed are not necessary or even desired for serving veterans. Currently, in addition to the KCVA, the Disabled American Veterans (DAV) (not in the grant program) and the American Legion and VFW (both in the grant program) are serving veterans. The DAV, American Legion, and VFW all have similar numbers in terms of pending claims. So it seems unreasonable to restrict eligibility for the grant program to only two organizations and to eliminate other organizations that desire to help but can't qualify under the proposed restrictions. The restrictions in the amended bill do not do anything to help veterans. They are merely designed to narrow the numbers of veterans organizations who can participate to only those two currently in the program.

Our goal is to help all Kansas veterans. This can be more easily done by expanding the numbers of veteran's organizations participating and thus we can expect to reach greater numbers of veterans and help them in receiving the benefits they have earned and are entitled to.

Veterans should be able to choose who they give their power of attorney to so that they may be helped. There are veterans that may go without benefits before they will give their power of attorney to certain veteran's organizations.

My recommendation to you is to eliminate the entire HB2210 and leave the law as it is. It is too soon to make changes when we do not know if changes are needed.

I have sent a similar letter to Senator Hensley, the senator who represents the district I live in. If you wish to contact me in regard to this letter, I can be reached at 785-232-4518 at home or on my cell phone at 785-249-5323.

Thank you for your attention to this matter.

Sincerely,

Joy D. Moser