

## CHAPTER 151

HOUSE Substitute for SENATE BILL No. 144

AN ACT concerning veterans; relating to veterans claims assistance program and service grant program; providing for a performance audit; amending K.S.A. 2006 Supp. 73-1234 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 73-1234 is hereby amended to read as follows: 73-1234. (a) The Kansas commission on veterans affairs shall establish and administer a veterans claims assistance program in accordance with this section to improve the coordination of veterans benefits counseling in Kansas to maximize the effective and efficient use of taxpayer dollars and to ensure that every veteran is served and receives claims counseling and assistance. The Kansas commission on veterans affairs shall establish and commence operations under the veterans claims assistance program in accordance with this section on or before August 1, 2006. The Kansas commission on veterans affairs shall appoint the director of the veterans claims assistance program, who shall be in the classified service under the Kansas civil service act. *No employee of the Kansas commission on veterans affairs shall act as an agent with power of attorney for any claimant.*

(b) The veterans claims assistance program shall be implemented and administered through annual service grants to eligible veterans service organizations pursuant to grant agreements entered into with the Kansas commission on veterans affairs in accordance with this section. All service grants and grant agreements shall be subject to the provisions of appropriation acts.

(c) The Kansas commission on veterans affairs shall adopt rules and regulations to implement and administer the veterans claims assistance program and the service grant program. The rules and regulations shall include: (1) The detailed requirements of the veterans claims assistance program and grant agreements; (2) the responsibilities of all parties to the grant agreements; (3) the duration of the grants; (4) any insurance or bonding requirements; (5) the format and frequency of progress and final reports; (6) the initial and continuing training requirements for veterans claims assistance representatives; (7) the provisions of a quality assurance program for the veterans claims assistance program and the services performed by veterans service organizations receiving grants under this section; and (8) any other information or requirements deemed necessary or appropriate by the commission.

(d) All moneys provided to veterans service organizations through service grants shall be used only for salaries, wages, related employer contributions and personnel costs, and operating and capital outlay expenditures for training and equipment for veterans claims assistance representatives and necessary support and managerial staff.

(e) Training activities for veterans claims assistance representatives shall be the responsibility of the veterans service organization employing the veterans claims assistance representatives and shall be conducted by qualified veterans claims assistance representatives.

(f) To receive a service grant under this section to perform services under the veterans claims assistance program, a veterans service organization shall satisfy the following eligibility requirements: (1) The veterans service organization shall be congressionally chartered by the United States Congress; (2) the veterans service organization shall agree to cross-accredit the officers and employees of the Kansas commission on veterans affairs and veterans claims assistance representatives of other veterans service organizations who are performing services under the veterans claims assistance program, *subject to the following: (A) 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 and that such person shall maintain the continuing education requirements of the cross-accrediting veterans service organization; and (B) the cross-accrediting veterans service organization is reserved the right to terminate the cross-accrediting if the person fails to meet the continuing education requirement of the veterans service organization;* (3) agree to participate in one-stop veterans service centers at each federal veterans administration medical center in Kansas; (4) demonstrate the receipt of monetary or service support from its own

organization for the veterans claims assistance program; ~~and~~ (5) demonstrate the ability to comply with the requirements prescribed by this section or adopted by the Kansas commission on veterans affairs under this statute for accounting, service work activity and other satisfactory performance requirements and measures; (6) *have established state headquarters in Kansas*; (7) *have staff present in the three United States department of veterans affairs medical centers located in Topeka, Leavenworth and Wichita*; (8) *have membership residency in at least 50% of the Kansas counties*; (9) *have had an established office presence in the United States department of veterans affairs regional office in Kansas for at least the three most recent state fiscal years*; (10) *have assisted in filing a minimum of 300 claims for veterans for which the veterans service organization has power of attorney in the past 12-month period*; (11) *agree to make no reference to membership eligibility on claims documentation and not solicit membership due to information received on claim forms*; (12) *agree to cross-accredit service officers participating in the service grant program to include service officers of partnered veterans service organizations and Kansas commission on veterans affairs staff located in the United States department of veterans affairs medical centers in Leavenworth, Topeka and Wichita*; (13) *agree that grant funding will not replace the monetary support currently provided by the veterans service organization to offices in the United States department of veterans affairs medical centers in Leavenworth, Topeka and Wichita for veterans claims assistance but will supplement the veterans service organization's monetary support currently in place*; and (14) *agree that the veterans service organization's monetary support currently provided for veterans claims assistance in the United States department of veterans affairs medical centers in Leavenworth, Topeka and Wichita will be equal to or greater than the monetary support that the veterans service organization provided in the previous year.*

(g) Each veterans service organization receiving a service grant under this section shall file with the Kansas commission on veterans affairs, within 90 days after the end of the veterans service organization's fiscal year, a detailed statement prepared by a certified public accountant which sets forth an accounting of all expenditures of moneys received under the service grant. Each veterans service organization receiving a service grant under this section shall apply for the grant funding on an annual basis, shall demonstrate satisfactory performance based on completion of minimum requirements during the preceding annual period and shall certify that all veterans service representatives funded with service grant moneys meet minimum training requirements to provide for core competencies.

(h) The Kansas commission on veterans affairs shall develop and maintain a central database registry regarding claims outcome data received from veterans claims assistance representatives under the veterans claims assistance program.

New Sec. 2. Three years after the effective date of this act, the legislative post audit committee is requested to authorize a performance audit of the veterans claims assistance program. Such audit is to evaluate the program's effectiveness in increasing services to veterans through the veterans service representatives at the three United States department of veterans affairs medical centers in Leavenworth, Topeka and Wichita.

Sec. 3. K.S.A. 2006 Supp. 73-1234 is hereby repealed.

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

Approved April 18, 2007.

---