

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1057

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1057

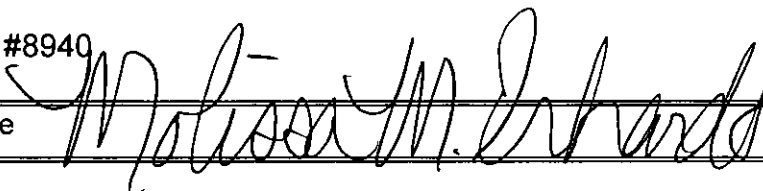
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: January 6, 2009

Recorder Job Number: #8940

Committee Clerk Signature



### Minutes:

**Chairman Grande:** Opened the second hearing for 1057. My feeling is that we need to be more uniform.

**Rep Kasper:** Gave a report from their sub-committee, stating that the people would like to leave it as it is, they really do not want to change. I would like to see this thing work itself out in the next two years with the Veteran's Administrator and then see what transpires in the next biennium.

**Chairman Grande:** Change is hard, let us see what we can do; it may not be a sweeping change but let us see the sub-committee can come up with to make some changes.

**Rep Kasper:** We had a quick meeting yesterday with Mark Johnson and Mr. Trainer from the counties because they work with this very closely. Also ran into the Governor last night, the Governor is not in favor of this and would like it to stay as it is.

This is what the committee what is now the amendment .

Amendment Attached.

**Rep Kasper:** Made a motion to adopt the amendments.

**Rep Froseth:** 2<sup>nd</sup> the motion.

**Voice Vote passed the amendment**

**Rep Boening:** I think that what we have done to the bill is same old, same old. I think the Governor should have the authority to remove the chairman if he sees fit. I am opposing the amendment.

**Chairman Grande:** I just have a question where we are striking out administrative committee on Veteran's Affairs and changing the name to Veterans Home governing Board. Is that why we are removing sections 2 and 3?

**Rep Kasper:** If we remove section 2 we are changing nothing. So we are over striking it.

**Chairman Grande:** We are going to let the Governing Board run things just the way they are without making any changes.

The chairman also gave a rundown of representative from each organization:

- American Legion has 20,000 members and will have 3 representatives
- VFW has 10,000 members and will have 3 representatives.
- Disabled Veterans has 5,000 members and will have 2 representatives. I have this as a suggestion as I feel we will be having more members in this group in the future.
- Am Vets 3,000 and will have 1 Representative.
- Veterans of wars have 3,000 members and will have 1 representative.
- Native American Veterans has 1 representative.

This gives us 11 members.

**Rep Boening:** Many of these members are a member at many of these organization. I think we should have at Large Members.

**Rep Amerman:** I am a member of 3 of these organization.

**Rep Winrich:** I think we should stay as it is and we need to give the new chairman a chance at the new job.

**Rep Amerman:** I feel the testimony from the Native American issues with the BSO and they have no issues with belonging to any of these organizations they can be on the committee.

**Chairman Grande:** I did have Mr. Bear speak with the Commissioner so they could discuss some of the issues face to face. Rep. Boehning do you want to offer an amendment?

Rep Boehning: I will withdraw any further amendments.

**Rep Meier:** Motion made for Do Pass and seconded by **Rep Froseth.**

**Do pass as amended and be re-referred to appropriations.**

**Carrier is Rep Kasper.**

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1057

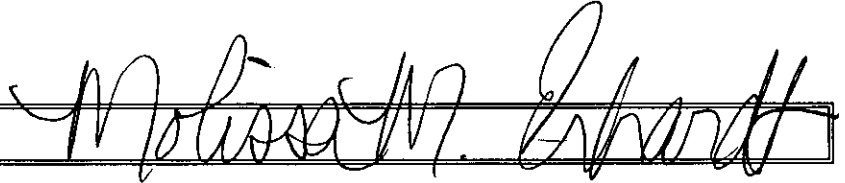
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2009

Recorder Job Number: #8797

Committee Clerk Signature



Minutes:

**Chairman Grande:** Opened the hearing of HB 1057 with an explanation of how she was going to conduct the hearing.

**Rep Porter:** Representative of District 34 and the part of the Public Safety committee.

The Public Safety Committee and Legislative Council during the past Interim did a study proposed by the last session on how our veterans are being served and how the system is set up in North Dakota, for the Service and Department of Veterans Affairs.

The goal of the committee was to put a process in place that best served the veteran living in North Dakota.

He read and explained the title of the bill. One of the main points was that there are numerous counties in North Dakota who have never filed a claim or a grant for a veteran. That is a huge concern of ours.

One of the suggestions to make staff more accessible to veterans is to move the cabinet level from Fargo to Bismarck.

Attachment # 1

**Rep Wolf:** When the Public Safety Committee worked to put this piece of Legislation together, addition to the committee, did you have any County Veterans officers or anyone who is out in the field for input?

**Rep Porter:** We had considerable amount of input and once you start the actual testimony from the bill you will hear from them.

**Rep Kasper:** Is the governor in support of this bill?

**Rep Porter:** We never asked. We were working on behalf of Legislative Council.

**Brad Module:** Veterans Administration in Fargo. I am not here in behalf of the Veterans Ad. I am here because I am a veteran. So the opinions I express are mine and I fully support this bill.

I am a Vietnam veteran and served for 27 years and retired after the Gulf War. I expired as a Colonel and retired as the Vice Commander of the Right Wing in Minot.

I do not believe that anyone who comes before you has anything but the best interest of the veterans in their hearts. This is not a Liberal or Conservative issue; this is a issue of Patriotism and service to the country and taking the best care of our veterans.

Attachment#2

**Rep Kasper:** On your chart, does it mean the higher the number the better the veteran is served?

**Brad Module:** Yes. Brad Module continued to explain the process of the Veteran Board and frustrations of not enough staff to assist veterans.

**Rep Kasper:** Does HB 1057 accomplish what you are asking for?

**Brad Module:** Yes I believe it does.

**Rep Kasper:** Could you explain the 110 employees in the N D Veterans Home?

**Brad Module:** We have 2 supervisors for every worker. So there may be more workers with the Universal Health Care Services. These 110 are FTE not Board members.

**Rep Amerman:** Is this based on a model as the Federal Government is set up?

**Brad Module:** It mirrors the Federal Dept. of Veterans Affairs and would be more in-sync with 40 of the other states.

**Rep Amerman:** The FN states \$135.00 a day per member.

**Brad Module:** No they do not. No veteran joins for the dollars, it is for honor. They have 12 meetings per year and 12 vacation days.

**Rep Amerman:** I would like to hear test from Gordon Smith.

**Ron Otto:** Morton/Oliver County Service Officer. President of the profession advocate of North Dakota

Attachment #3

**Dale Brown:** Veteran Service Officer. Gave examples of how difficult it is to file a claim and that assistance is necessary.

Opposition of HB 1057

**Rudy Jenson:** Chairman of the Committee of Veteran Affairs.

Attachment #4

**Chairman Grande:** One question from me is do you feel each of veterans in this state are being served properly?

**Rudy Jenson:** In coming up testimony you will hear what we had planned on for training. So no they are not all treated alike as they are not qualified to do so.

**Chairman Grande:** Are all the Counties fairly setting up offices and have the people to assist the Veterans services?

**Rep Winrich:** How are county Veteran Service Officers chosen?

**Rudy Jenson:** They are chosen by the County Commissioners with the aid of the Veterans Affairs Commissioner.

**Lonnie Wangen:** I am a Commissioner from the Department of Veterans Affairs.

Attachment #5

**Rep Winrich:** Are you still recommending that we have a CVO in every county? Is there a hotline that could be called/

**Lonnie Wangen:** That would be a step in the right direction. If we can get some oversight to educate the CVO's and know where to direct the veteran to take a proper claim would be very helpful. We do have posters for the offices that list numbers where they could call to get the help they need.

**Chairman Grande:** I still am concerned that we have counties that are not funding these Veteran Officers with offices and are working from their home with records at the general public and unqualified, working two hours a week, at best, this is not serving our veterans. How do we address this with the counties?

**Lonnie Wangen:** Oct 13, 2008 I met with the commissioners, I addressed those issues. I had a lot ask me about their return investment but no one asked me about offices or computers.

**Chairman Grande:** How many counties are we looking at that are insufficient? It looks like most of the employees who would qualify to take this examine are not working 20 hrs a week, is that correct? And do you feel that our veterans are being served at that level?

**Lonnie Wangen:** I started last year but have not had the opportunity to assess all those that are insufficient. I would imagine that 20% that need upgrading. Yes I would say half of our CVO's do not work 20 hrs a week. I do not feel our veterans are being served at that rate.



**Rep Froseth:** I do not see anyone here from the Association of counties here but with the tool chest of Legislation that counties are able to go together join with other counties and have one CVO for numerous counties?

**Lonnie Wangen:** We do have 3 officers in 2 counties, which give them more experience. It does work and having a County regionalized officer is what I would like to see. But I hate to lose these little officers as they do things like assist with getting medication and get a ride and more of a social service.

**Rep Nathe:** You are talking about a accreditation program. How long take and when do you see that up and running. Do you see this in the next 6 months or year could we get a time frame? Could this be taken over the internet?

**Lonnie Wangen:** I spoke with the National Association of Veterans Affairs from North Carolina and he is sending that free of charge. All I have to do is change North Carolina to North Dakota and a few state benefits. I would need to get the approval. I see that on my door step when I get back to the office today. I could get it up and running in a few weeks with that plan. It is Web- based, so we should be able to make that available over the internet.

**Rep Boehning:** In section 14 are you in favor of getting training. What will motivate them to take this and get proficient? Do you have any numbers of how many show up.

**Lonnie Wangen:** That is just asking for funding to get them in for the 2 week training in the spring and in the fall. They are supposed to show up for the training. I would say a handful of them missed

**Carroll Quam:** State Commander Chief.

Testimony Attachment #6

**Jim Bear:** Tribal Veterans Officer in Forth Berthold. Where does the Tribal Veteran's Service office fit in to all of this? We do not get any funding from the State of North Dakota. The

funding we get is from the Tribe. We are using tribal dollars to do the thing you do that are funded by the State of North Dakota. We have 5 reservations in North Dakota and would like to know who is representing us. We need to be proactive in the Veterans Affairs ourselves. We would like a Indian Affairs Commissioner to work with the Veterans Affairs. We have about 700 Veterans.

**Skip Ming:** Mountrail County Veteran's Officer.

Attachment # 7

**Rep Froseth:** There does not seem to be any continuity with how many hours, what days or times any one is working. Do you feel it would be better if counties had regular hours?

**Skip Ming:** Ideally yes. I would like to see more funding so we could have full time, fully trained, Veteran's Service Officers in each County.

**Chairman Grande:** Hearing is closed.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/29/2009

Amendment to: Reengrossed  
HB 1057

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                | 2007-2009 Biennium |             | 2009-2011 Biennium |             | 2011-2013 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| Expenditures   | \$0                | \$0         | \$105,395          | \$0         | \$107,876          | \$0         |
| Appropriations | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  | 2011-2013 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
| \$0                | \$0    | \$0              | \$175,565          | \$0    | \$0              | \$210,677          | \$0    | \$0              |

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

New section to Chapter 37-18 of the NDCC relating to department of Veterans Affairs and to amend and reenact section 37-14-18 of the NDCC relating to County Veterans Service Officers, and to provide an appropriation. Sections with fiscal impact are 1,3 and 5

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1: \*Accreditation of County Veteran Service Officers (CVSO's) with Department of Veterans Affairs. An estimated cost of developing training, producing manuals and other supply costs this will cost and estimated \$4,240.00 With an estimated 20% increase in costs the 2011-2013 beinnium would cost \$5,088.00. This is based on estimates of material costs to ND-DVA. Please note that this is an estimate that would include our state being able to adopt an accreditation program from another entity (state) which is already in place.

\*Accreditation with a "recognized service organization" is at no cost to the CVSO, County or State.

\*Accreditation with NACVSO: if section 5 is passed and appropriations are made for this the cost to the state and county would be as noted in section 5. If NACVSO organization can not provide contract training in 2010 or if CVSO's do not attend contract training then the cost to the counties would be an estimated \$2,595.98 per CVSO to attend the 2010 NACVSO conference in Minneapolis. The total cost-if all counties had to attend Minneapolis would be an estimated \$129,799.00. If counties were to attend in 2011 an estimation of at least 20% would have to be added as the location of this conference has not yet been set (Air Travel will most likely be needed).

Section 2: No fiscal costs involved.

Section 3: Two current FTE's conduct training full time: This would cost an estimated \$87,946.50.00 in additional expenses for training materials and travel costs during 2009-2011 biennium and \$86,937.35 during the 2011-2013 biennium.(would have to add laptops, projectors, and blackberry's as well as hotel, miles and per diem to visit each county 2 times in a biennium).

Section 4: No Fiscal costs involved.

Section 5: Accreditation training. This would bring professional trainers to North Dakota to conduct certification training and certify the CVSO's for one training period. This would cost \$13,208.59 to the state and an estimated \$863.50 per county

for the counties during 2009-2011 biennium for a total of \$45,765.50 for all counties.

Please note: The amount paid by counties in section 4 is an amount currently paid for spring and fall conference training. With this training taking the place of regular training there should be no additional expenses to counties. Therefore this fiscal note would cost nothing extra to the counties.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No revenue created by this bill.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditure as listed in Fiscal impact sections. Total of all expenditures for 2009-2011 would be \$280,959.59 (\$105,395.09 for State and \$175,564.50 for the counties) Total expenditures for 2011-2013 would be \$318,553.06(\$107,875.66 for state and \$210,677.40 for Counties). The total for the state and counties during the next two bienniums combined would be an estimated \$599,512.65 ( this is considering that the contract training would be conducted in both bieniums)( Please see notes in section B which explain how these are maximum expenses and actual expenses could be much lower).

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No appropriations other than this bill.

|                      |               |                       |                              |
|----------------------|---------------|-----------------------|------------------------------|
| <b>Name:</b>         | Lonnie Wangen | <b>Agency:</b>        | ND Dept. of Veterans Affairs |
| <b>Phone Number:</b> | 701-239-7165  | <b>Date Prepared:</b> | 04/29/2009                   |

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/17/2009

Amendment to: Reengrossed  
HB 1057

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                | 2007-2009 Biennium |             | 2009-2011 Biennium |             | 2011-2013 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| Expenditures   | \$0                | \$0         | \$105,395          | \$0         | \$107,876          | \$0         |
| Appropriations | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  | 2011-2013 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
| \$0                | \$0    | \$0              | \$175,564          | \$0    | \$0              | \$210,677          | \$0    | \$0              |

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

New section to Chapter 37-18 of the NDCC relating to department of Veterans Affairs and to amend and reenact section 37-14-18 of the NDCC relating to County Veterans Service Officers, and to provide an appropriation. Sections with fiscal impact are 1,3 and 5

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1: \*Accreditation of County Veteran Service Officers (CVSO's) with Department of Veterans Affairs. An estimated cost of developing training, producing manuals and other supply costs this will cost and estimated \$4,240.00 With an estimated 20% increase in costs the 2011-2013 beinnium would cost \$5,088.00. This is based on estimates of material costs to ND-DVA. Please note that this is an estimate that would include our state being able to adopt an accreditation program from another entity (state) which is already in place.

\*Accreditation with a "recognized service organization" is at no cost to the CVSO, County or State.

\*Accreditation with NACVSO: if section 5 is passed and appropriations are made for this the cost to the state and county would be as noted in section 5. If NACVSO organization can not provide contract training in 2010 or if CVSO's do not attend contract training then the cost to the counties would be an estimated \$2,595.98 per CVSO to attend the 2010 NACVSO conference in Minneapolis. The total cost-if all counties had to attend Minneapolis would be an estimated \$129,799.00. If counties were to attend in 2011 an estimation of at least 20% would have to be added as the location of this conference has not yet been set (Air Travel will most likely be needed).

Section 2: No fiscal costs involved.

Section 3: No fiscal costs involved.

Section 4: Two current FTE's conduct training full time: This would cost an estimated \$87,946.50.00 in additional expenses for training materials and travel costs during 2009-2011 biennium and \$86,937.35 during the 2011-2013 biennium.(would have to add laptops, projectors, and blackberry's as well as hotel, miles and per diem to visit each county 2 times in a biennium).

Section 5: Accreditation training. This would bring professional trainers to North Dakota to conduct certification training and certify the CVSO's for one training period. This would cost \$13,208.59 to the state and an estimated \$863.50 per county

for the counties during 2009-2011 biennium for a total of \$45,765.50 for all counties.

Please note: The amount paid by counties in section 4 is an amount currently paid for spring and fall conference training. With this training taking the place of regular training there should be no additional expenses to counties. Therefore this fiscal note would cost nothing extra to the counties.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No revenue created by this bill.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditure as listed in Fiscal impact sections. Total of all expenditures for 2009-2011 would be \$280,959.59 (\$105,395.09 for State and \$175,564.50 for the counties) Total expenditures for 2011-2013 would be \$318,553.06(\$107,875.66 for state and \$210,677.40 for Counties). The total for the state and counties during the next two bienniums combined would be an estimated \$599,512.65 ( this is considering that the contract training would be conducted in both bieniums)( Please see notes in section B which explain how these are maximum expenses and actual expenses could be much lower).

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No appropriations other than this bill.

|                      |               |                       |                                   |
|----------------------|---------------|-----------------------|-----------------------------------|
| <b>Name:</b>         | Lonnie Wangen | <b>Agency:</b>        | ND-Department of Veterans Affairs |
| <b>Phone Number:</b> | 701-239-7165  | <b>Date Prepared:</b> | 03/19/2009                        |

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/13/2009

Amendment to: HB 1057

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                | 2007-2009 Biennium |             | 2009-2011 Biennium |             | 2011-2013 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| Expenditures   | \$0                | \$0         | \$103,307          | \$0         | \$105,788          | \$0         |
| Appropriations | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  | 2011-2013 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
| \$0                | \$0    | \$0              | \$45,766           | \$0    | \$0              | \$54,919           | \$0    | \$0              |

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

New section to Chapter 37-18 of the NDCC relating to department of Veterans Affairs and to amend and reenact section 37-14-18 of the NDCC relating to County Veterans Service Officers, and to provide an appropriation. Sections with fiscal impact are 1,3 and 4

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1: Accreditation of County Veteran Service Officers (CVSO's) with Department of Veterans Affairs. An estimated cost of developing training, producing manuals and other supply costs this will cost and estimated \$4,240.00 With an estimated 20% increase in costs the 2011-2013 beinnium would cost \$5,088.00. This is based on estimates of material costs to ND-DVA.

Section 2: No fiscal costs involved.

Section 3: Two current FTE's conduct training full time: This would cost an estimated \$85,858.50.00 in additional expenses for training materials and travel costs during 2009-2011 biennium and \$84,849.35 during the 2011-2013 biennium.(would have to add laptops, projectors, and blackberry's as well as hotel,miles and per diem to visit each county 2 times in a biennium).

Section 4: Accreditation training. This would bring professional trainers to North Dakota to conduct certification training and certify the CVSO's for one training period. This would cost \$13,208.59 to the state and an estimated \$863.50 per county for the counties during 2009-2011 biennium for a total of \$45,765.50 for all counties.

Please note: The amount paid by counties in section 4 is an amount currently paid for spring and fall conference training. With this training taking the place of regular training there should be no additional expenses to counties. Therefore this fiscal note would cost nothing extra to the counties.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No revenue created by this bill.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line*

*item, and fund affected and the number of FTE positions affected.*

Expenditure as listed in Fiscal impact sections. Total of all expenditures for 2009-2011 would be \$149,072.59  
( \$103,307.09 for State and \$45,765.50  
for the counties) Total expenditures for 2011-2013 would be \$160,706.26  
(\$105,787.66

for state and \$54,918.60

for Counties). The total for the state and counties during the next two bienniums combined would be an estimated  
\$309,778.85

( this is considering that the contract training would be conducted in both bieniums)( this included county espenses  
which are already realized for their annual training).

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency  
and fund affected. Explain the relationship between the amounts shown for expenditures and  
appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a  
continuing appropriation.*

No appropriations other than this bill.

|                      |               |                       |            |
|----------------------|---------------|-----------------------|------------|
| <b>Name:</b>         | Lonnie Wangen | <b>Agency:</b>        | ND-DVA     |
| <b>Phone Number:</b> | 701-239-7165  | <b>Date Prepared:</b> | 02/16/2009 |



**FISCAL NOTE**  
**Requested by Legislative Council**  
12/08/2008

Bill/Resolution No.: HB 1057

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                       | 2007-2009 Biennium |             | 2009-2011 Biennium |             | 2011-2013 Biennium |             |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                       | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| <b>Revenues</b>       | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |
| <b>Expenditures</b>   | \$0                | \$0         | \$608,808          | \$0         | \$190,709          | \$0         |
| <b>Appropriations</b> | \$0                | \$0         | \$0                | \$0         | \$0                | \$0         |

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium |        |                  | 2009-2011 Biennium |        |                  | 2011-2013 Biennium |        |                  |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties           | Cities | School Districts | Counties           | Cities | School Districts | Counties           | Cities | School Districts |
| \$0                | \$0    | \$0              | \$306,605          | \$0    | \$0              | \$367,926          | \$0    | \$0              |

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

governance of the veterans' home & department of veterans' affairs employees; county veterans' service officers, the commissioner of veterans' affairs, and the administrative committee on veterans' affairs; and to provide an appropriation.

Sections with fiscal impact are 1,4,5,6,9,12,13, and 14.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1: Accreditation of County Veteran Service Officers (CVSO's) with National Association of County Veterans Service Officers (NACVSO). It would cost an estimated \$3,500 per CVSO to attend this training. For 53 counties to send their CVSO's will total \$185,500 for 2009-2011. (based on expenses of State VSO's attending this training in 2008. With an estimated 20% increase in costs the 2011-2013 beinnium would cost \$222,600.00.

Section 4: Veterans Home: Governor appoints board members and \$135 per day per member in compensation for meetings. No cost for appointments (per governors office). Cost for meetings \$39,555.00 for 2009-2011 biennium and \$16,065.00 for 2011-2013 biennium. (based on number of meetings anticipated by governing board)

Section 5: Governor appoints commissioner: No cost of appointment. \$5,000 estimated to move commissioner to Bismarck. (based on governors office stating no expense  
Section 1: Accreditation of County Veteran Service Officers (CVSO's) with National Association of County Veterans Service Officers (NACVSO). It would cost an estimated \$3,500 per CVSO to attend this training. For 53 counties to send their CVSO's will total \$185,500 for 2009-2011. (based on expenses of State VSO's attending this training in 2008. With an estimated 20% increase in costs the 2011-2013 beinnium would cost \$222,600.00.

Section 4: Veterans Home: Governor appoints board members and \$135 per day per member in compensation for meetings. No cost for appointments (per governors office). Cost for meetings \$39,555.00 for 2009-2011 biennium and \$16,065.00 for 2011-2013 biennium. (based on number of to appoint and the \$5,000 limit on moving employees)

Section 6: Move Commissioners office to Bismarck. Total expense estimated at \$454,526.89 in 2009-2011. This accounts for all moving expenses for office equipment, higher rent expense, employee moving expenses (\$5,000 each) and estimated employee turnover expenses (1.5 times annual salary). 2011-2013 would cost an estimated \$54,343.58 in additional office rent expenses. (currently locked into low office rental contract for next 5 years).

Section 9: Reduce Administrative Committee of Veterans Affairs (ACOVA) member size from 15 to 7 (one being chairman): This would save an estimated \$12,000 during 2009-2011 biennium and \$10,700 during the 2011-2013 biennium, in hotels, mileage and per diem expenses. ( based on number of meetings and costs for those meetings in past)

Section 12: Compensation of ACOVA committee members of \$135 per day for meetings and other appointments.

This would cost an additional \$9,450 for 2009-2011 and \$9,450 for 2011-2013 bienniums for the proposed 7 members.(based on number of meetings in past)

Section 13: Two current FTE's conduct training full time: This would cost an estimated \$85,858.50.00 in additional expenses for training materials and travel costs during 2009-2011 biennium and \$84,849.35 during the 2011-2013 biennium.(would have to add laptops, projectors, and blackberry's as well as hotel,miles and per diem to visit each county 2 times in a biennium).

Section 14: Contract training with NACVSO's. This would bring the NACVSO trainer to North Dakota to conduct certification training and certify the CVSO's. This would cost \$26,417.18 to the state and an estimated \$121,105.00 for the counties during 2009-2011 biennium and \$31,700 to the state and \$145,326.00 to the counties during the 2011-2013 biennium.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No revenue created by this bill.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditure as listed in Fiscal impact sections. Total of all expenditures for 2009-2011 would be \$915,412.57 (\$608,807.57 for State and \$306,605.00 for the counties) Total expenditures for 2011-2013 would be \$558,634.55 (\$190,708.55 for state and \$367,926.00 for Counties). The total for the state and counties during the next two bienniums combined would be an estimated \$1,474,047.12.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No appropriations other than this bill.

|                      |               |                       |                                   |
|----------------------|---------------|-----------------------|-----------------------------------|
| <b>Name:</b>         | Lonnie Wangen | <b>Agency:</b>        | ND Department of Veterans Affairs |
| <b>Phone Number:</b> | 701-239-7165  | <b>Date Prepared:</b> | 12/29/2008                        |

VR  
2/9/09  
182

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1057

Page 1, line 1, remove "four new sections to chapter 37-15 and"

Page 1, line 2, remove "governance of the veterans' home"

Page 1, line 3, remove the first "and", replace "sections" with "section", and remove the comma

Page 1, remove line 4

Page 1, line 5, remove "37-18.1-04" and remove the second comma

Page 1, remove line 6

Page 1, line 7, remove "the administrative committee on veterans' affairs"

Page 1, line 17, replace "national association of county" with "department of veterans' affairs"

Page 1, line 18, remove "veterans' service officers" and replace "one year" with "two years"

Page 2, remove lines 3 through 29

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 27

Page 5, remove lines 4 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 8

Page 9, line 10, replace "shall" with "may" and after "use" insert "up to"

282

Page 9, line 16, replace "national association of county veterans service officers" with  
"department of veterans' affairs"

Renumber accordingly

Date: 2/6/14  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1057

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass As Amended

Motion Made By

Rep MEIER

Seconded By

Rep Froseth

| Representatives        | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|-----------------|-----|----|
| Chairman Grande        | ✓   |    | Rep. Amerman    |     | ✓  |
| Vice Chairman Boehning | ✓   | ✓  | Rep. Conklin    |     | ✓  |
| Rep. Dahl              | ✓   |    | Rep. Schneider  | ✓   |    |
| Rep. Froseth           | ✓   |    | Rep. Winrich    |     | ✓  |
| Rep. Karis             | ✓   |    | Rep. Wolf       |     | ✓  |
| Rep. Kasper            | ✓   |    |                 |     |    |
| Rep. Meier             | ✓   |    |                 |     |    |
| Rep. Nathe             | ✓   |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |
|                        |     |    |                 |     |    |

Total (Yes) 9 No 4

Absent

0

Floor Assignment

Rep. Kasper

If the vote is on an amendment, briefly indicate intent:

Re-referred to appropriations.

**REPORT OF STANDING COMMITTEE**

**HB 1057: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "four new sections to chapter 37-15 and"

Page 1, line 2, remove "governance of the veterans' home"

Page 1, line 3, remove the first "and", replace "sections" with "section", and remove the comma

Page 1, remove line 4

Page 1, line 5, remove "37-18.1-04" and remove the second comma

Page 1, remove line 6

Page 1, line 7, remove "the administrative committee on veterans' affairs"

Page 1, line 17, replace "national association of county" with "department of veterans' affairs"

Page 1, line 18, remove "veterans' service officers" and replace "one year" with "two years"

Page 2, remove lines 3 through 29

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 27

Page 5, remove lines 4 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 8

Page 9, line 10, replace "shall" with "may" and after "use" insert "up to"

Page 9, line 16, replace "national association of county veterans service officers" with "department of veterans' affairs"

Renumber accordingly

2009 HOUSE APPROPRIATIONS

HB 1057

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1057

### House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 17, 2009

Recorder Job Number: 9617

Committee Clerk Signature

*Ellen Litany*

### Minutes:

Job 6

**Chairman Svedjan:** I have asked Representative Grande to be here.

**Rep. Bette Grande:** HB 1057 on the engrossed version, there is three portions that have money in it. Section one; I see that the commissioner is asking that he have money for putting together the training materials. I don't have a problem with that particular piece except I don't know about the dollar amounts. At this point, I guess we can let that go. The part that I want to point out to you is on section three, the Department of Affairs training positions. Those people are already in place, so I'm not sure why all of a sudden we have to pay for that? If you look at the language, he may use up to two of his people already there, yet he is turning around and asking for full cost. It wouldn't hurt our feeling if we took the money out of section three. Section four is our dollar amounts and I'm not quite sure why they split it out state and then county, because we said that the state would cover that in the appropriation. Just because we want to get them all on board and the reason all of this is county service officers. We have battled this, there are numerous one that sit out in counties that don't even have offices, they might work two hours a week. There were numerous complaints that there are veterans not getting served. We are trying to get them all on the same page with the same type of training so they know what kind of forms they are filling out and getting the money and



services to these veterans. This is getting to be a larger job because we have more and more people coming back and we need to take care of them. This is just not happening. This is the first step or reorganizing these county service veterans and we are hoping to move this more towards regional services because we do have some areas in the state where there might be only ten veterans in the area. Filling out the forms is complicated and filling them out once a year, the forms are not being completed correctly. This bill deals with how we are going to train them, who's going to be in charge and direction we are going to take.

**Rep. Pollert:** Why was HB 1057 not have been put in the veteran's affair's budget instead of an independent bill?

**Rep. Grande:** It changed the delivery of service and redoing their 18-man committee. We did take that out. It was taken out of Fargo and moved to Bismarck. We took that out and focused on training and taking care of their jobs properly.

**Rep. Pollert:** When we get the Veterans' Affairs budget, we would need to make sure this is part of it.

**Chm. Svedjan:** We have the \$20k appropriation in the bill. You think that should come out?

**Rep. Grande:** I think that should stay in.

**Chm. Svedjan:** Going to the fiscal note, it shows expenditures of \$103,307.

**Rep. Grande:** It looks like he is hiring them to do it. These are existing positions.

**Chm. Svedjan:** The appropriation has nothing to do with that. It's reflected in the fiscal note.

**Rep. Grande:** Correct, we didn't ask him to change the payment schedule, he did in his fiscal note.

**Chm. Svedjan:** It requires no additional money. So it's just the \$20k at stake.

**Rep. Grande:** That's correct.

**Rep. Wald:** Has this ever been funded out of the Post War Trust Fund rather than the general funds?

**Rep. Grands:** The Post War Trust Fund deals with section two and that has to do with the conservator ships and how those are handled.

**Chm. Svedjan:** Section 2 has no fiscal impact.

**Rep. Grande:** Correct.

**Rep. Nelson:** The fiscal note looks like there should have been an operating line and a travel line. Each of those individuals goes to counties twice per year. There are blackberries and computers. My understanding is it is operating and travel.

**Rep. Grande:** That's what he is saying, you already have those people and we are giving him the directive to do it.

**Rep. Nelson:** The travel has to be funded. The equipment, do they have that in hand now?

**Rep. Grande:** He includes a lot of training materials in Section one. I'm not sure that the office does not have that.

**Rep. Meyer:** It was my understanding that they are there and they need to do the training but they would need those dollars to go out, if they have a limited number. They have to be flown nationally for training and this was proposed as an acceptable alternative.

**Rep. Grande:** I did forget to tell you about the amendment. Our clerk did not put in the amendment exactly right; it should say the North Dakota Department of Veterans' Affairs. That would mean our commissioner would be in charge of this process. He has a plan put in place and they would try to hold two of them to accommodate the different parts of the state. That's why we gave him that authority and did not force it to the national level. We need to justify where that money will go.

**Rep. Skarphol:** Do you need the same North Dakota designation on page two, line four?

**Rep. Grande:** I'm not sure on the conservativeness there as to which ones take those. I would have to ask the commissioner.

**Rep. Skarphol:** I would move we amend the bill to include North Dakota on line 14 of page 1.

**Rep. Meyer:** 2<sup>nd</sup>.

**Chm. Svedjan:** Moved by Rep Skarphol and 2<sup>nd</sup> by Rep. Meyer, to insert the word "North Dakota" prior to the word "department" on line 14. Is there any discussion?

**Rep. Ekstrom:** Veterans' Affairs in Cass County, how will this stack up to the national accreditation?

**Rep. Grande:** We have a new commissioner who hasn't been on the job for a year. That's why we didn't go with the full rewrite of this bill. The original bill gutted everything he was working on doing. He has put together a whole educational program and uses almost all the national information. It would keep the national accreditation here instead of sending the people out for training.

**Chm. Svedjan:** Any further discussion on the motion to amend? Hearing none, all in favor of adding the words "North Dakota" to line 14 prior to the word "department" say Yea –

**Unanimous voice vote – opposed Nay – none.** That amendment is adopted. Further discussion?

**Rep. Meyer:** If this happens and training begins, how will it work with the national accreditation board? Does the national accreditation board say OK, are you compliant, or what will they say?

**Rep. Grande:** I don't believe you need the nationals. From what I understood, unless we force the national you don't need to have the national. Our commissioner is going to use the national's material in the training.

**Chm. Svedjan:** Any further discussion? What are your wishes?

**Rep. Skarphol:** Move a Do Pass as Amended.

**Rep. Wald:** Second.

**Chm. Svedjan:** You've heard the motion. Seconded by Rep. Wald. Any further discussion?

**On the motion for a Do Pass as Amended for HB 1057 we'll take a roll call vote.**

**Vote:** 22 Yes      0 No      3 Absent      **Carrier:** Rep. Grande      Motion carries and  
Representative Grande is the carrier.

**Rep. Skarphol:** We need to establish some type of policy or criteria with regard to the utilization for blackberries. I think they should have it but there should be some responsibility for the cost associated with them and their ability to use them for an unlimited amount of phone calls. It could be for a personal nature and we shouldn't have to determine what's personal and what is not. It is something to keep in mind. I'm not sure when it should take place, but I believe we should set some type of policy with regard to the utilization of blackberries.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1057

Page 1, line 14, after "the" insert "North Dakota"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides the accreditation for county veterans' service officers will be from the North Dakota Department of Veterans' Affairs.

Date: 2/17/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1057

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken add "North Dakota" (line 14)

Motion Made By Skarphol Seconded By Meyer

| Representatives         | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Svedjan        |     |    |                 |     |    |
| Vice Chairman Kempenich |     |    |                 |     |    |
|                         |     |    |                 |     |    |
| Rep. Skarphol           |     |    | Rep. Kroeber    |     |    |
| Rep. Wald               |     |    | Rep. Onstad     |     |    |
| Rep. Hawken             |     |    | Rep. Williams   |     |    |
| Rep. Klein              |     |    |                 |     |    |
| Rep. Martinson          |     |    |                 |     |    |
|                         |     |    |                 |     |    |
| Rep. Delzer             |     |    | Rep. Glassheim  |     |    |
| Rep. Thoreson           |     |    | Rep. Kaldor     |     |    |
| Rep. Berg               |     |    | Rep. Meyer      |     |    |
| Rep. Dosch              |     |    |                 |     |    |
|                         |     |    |                 |     |    |
| Rep. Pollert            |     |    | Rep. Ekstrom    |     |    |
| Rep. Bellow             |     |    | Rep. Kerzman    |     |    |
| Rep. Kreidt             |     |    | Rep. Metcalf    |     |    |
| Rep. Nelson             |     |    |                 |     |    |
| Rep. Wieland            |     |    |                 |     |    |
|                         |     |    |                 |     |    |

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Voices Vote - Carries*

Date: 2/17/09  
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1057

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13P

Action Taken

No. Pass as Amended

Motion Made By

Skarphol Seconded By Wald

| Representatives         | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Svedjan        | ✓   |    |                 |     |    |
| Vice Chairman Kempenich | ✓   |    |                 |     |    |
| Rep. Skarphol           | ✓   |    | Rep. Kroeber    | ✓   |    |
| Rep. Wald               | ✓   |    | Rep. Onstad     | ✓   |    |
| Rep. Hawken             | ✓   |    | Rep. Williams   | ✓   |    |
| Rep. Klein              | ✓   |    |                 |     |    |
| Rep. Martinson          | ✓   |    |                 |     |    |
| Rep. Delzer             | ✓   |    | Rep. Glassheim  | ✓   |    |
| Rep. Thoreson           | ✓   |    | Rep. Kaldor     | ✓   |    |
| Rep. Berg               | ✓   |    | Rep. Meyer      | ✓   |    |
| Rep. Dosch              | ✓   |    |                 |     |    |
| Rep. Pollert            | ✓   |    | Rep. Ekstrom    | ✓   |    |
| Rep. Bellew             | ✓   |    | Rep. Kerzman    | ✓   |    |
| Rep. Kreidt             | ✓   |    | Rep. Metcalf    | ✓   |    |
| Rep. Nelson             | ✓   |    |                 |     |    |
| Rep. Wieland            | ✓   |    |                 |     |    |

Total (Yes) 22 No 0

Absent 3

Floor Assignment Rep. Grande

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1057, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 14, after "the" insert "North Dakota"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides the accreditation for county veterans' service officers will be from the North Dakota Department of Veterans' Affairs.



2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1057

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1057

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10273

Committee Clerk Signature

Katia Olive

Minutes:

Chairman Dever opened the public hearing on HB1057. Representative Todd Porter was there to introduce the bill.

**Todd Porter:** Representative Todd Porter, District 34, Mandan. As we went through this issue it was not without controversy. The bill that you have in front of you is greatly reduced from the bill that we came out of the interim with. There are still counties in North Dakota that have Veterans that have never applied for Veterans programs. That was a huge concern because they have served the county and that they are not receiving the benefits that they deserve. And as we looked at the system that is in place and the overall structure of the Department of Veterans Affairs and how do we get an agency to make sure that no person is left behind. One of our focuses is what is left in the bill, and what is left is an accreditation piece. In the current structure there is a person that is appointed by the county commissioned. There is an authorized mill levy that goes along with it. The primary focus is that they mainly drive people to the appointments. You cannot imagine the paperwork involved with the Federal Government in applying for Benefits, and the hoops that they must jump through. After we were done with this it was the most rewarding work that we did during the interim. We didn't make people happy; we were not looking for popularity. The one area of focus is the education component.

No one is making sure that the Veterans are getting the training to get the benefits. No one is making sure that they have benefits available. Their primary job is to take claims but no one to make sure the job is getting done. As you look at this, focus on the areas where there have never been a claim put in, there are Veterans that are missing benefits that are for them.

**Senator Dever:** With any state program, there is an expectation. It is not just about Veterans, with any state program that we have an expectation that the people that administer the program have an understanding of it that they can convey to the people of North Dakota.

**Senator Horne:** As I understand it the main change in the law calls for county veterans service officers to maintain accreditation by the Department of Veterans Affairs within 2 years of appointment. If that is true what are the accreditation guidelines?

**Todd Porter:** There is not any accreditation through the Veteran affairs. There is a national course that we had in the original bill. The state was going to pick up the first round of training to make sure that each person would go through the training.

**Senator Nelson:** Did this come from an audit?

**Todd Porter:** Yes it did.

**Todd Porter:** There is a whole new wave of Veterans coming home; they are going to have special needs that have never been seen before. A lot of that has to do with technology. More than ever it is important to serve the Vets.

**Senator Dever:** The benefits are different that what they were. The new benefits that served in Boots on Ground in Vietnam they can get more than. I toured the Veteran Center last week and the list of things that they work with is great.

**Todd Porter:** Across the state, the larger counties have larger function. They there are there to drive the Veterans to the clinic. Across the state with the current system, no one is there to

work with the people. It needed to be studied in a public forum and everyone walked away with the common goal: give the Veterans the same access.

**Harvey Peterson:** Golden Valley County. I have a brother that will not get the benefits that are out there for him. I think that this bill provides that the existing to FTE's may be used as training officers. The people that do not file the large number of claims could submit them to the North Dakota Department of Veterans Affairs to the review officers to be looked over. If there is one issue with the bill, it is relating to the returning of service men and women: my question is does that preclude us, by law, from dealing with those who have been Veterans for some time?

**Terry Traynor:** Assistant Director, North Dakota Association of Counties. See attached testimony #1.

**Senator Cook:** Would the county commissioners of the state still have the authority to employ a county veteran's officer?

**Terry Traynor:** I think that they strongly believe in the service and having it available.

**Senator Dever:** Section 3 of the bill says that the commissioner of Veteran's Affairs may use up to 2 of the department's positions for training officers for the next biennium. If we were to extend beyond that would that satisfy your concerns with the proposed amendment?

**Terry Traynor:** I am not sure how the accreditation would work. The cost would not be pushed to the counties.

**Senator Dever:** It seems that there is a difference in the level of service of veterans across the state depending on the population of different counties.

**Terry Traynor:** In some cases it may be true. One of the functions of the rural county is getting Veterans to their appointments. It may not be what the position is for but it is an important.

**Senator Dever:** Are the counties in support of the training.

**Terry Traynor:** If the funding is there.

**Senator Dever:** Are there counties that prefer to have more than one county assigned to the same person.

**Senator Horne:** How do you see this impacting the counties?

**Terry Traynor:** If the training was local I don't see it as an impact. I am suspecting that it is someone's anticipation of the cost. Would that be a registration fee from every county, we don't know. The bill has changed somewhat and the concept that we talked about during the interim and the CVSO would get the training and the state would be responsible for the training.

**Ron Otto:** Morton and Oliver VS Officer. We service 71% of the Veteran population in the state. I oppose the bill as written. NACVSO was formed to do this very thing. Over 80% of the monies coming in are coming from the counties. It is millions that we are

**Senator Cook:** If a Veteran from another county comes in can you help them?

**Ron Otto:** Yes.

**Senator Oehlke:** Do you have the accreditation?

**Ron Otto:** Yes, I do. And they have cross accreditation with other organizations

**Senator Dever:** Bring someone in from a national organization?

**Ron Otto:** Yes, this is a base course. After that there are so many units that are required each year.

**Ron Otto:** There may be a trade off. 95% of the benefits are being derived through the county assessment and bring it to a positive end. Military Service Center is a place to get all the info in the same area.

**Senator Cook:** If there was a Veteran in Morton County, he doesn't have to go to you, correct?

**Ron Otto:** Yes, that is true.

**Senator Nelson:** Who does the liability insurance for your drivers?

**Ron Otto:** The federal government covers that liability.

**Mark Landis:** Veteran Service Officer of Burleigh County. See testimony #2.

**Senator Horne:** What would happen if we restored the language?

**Mark Landis:** Come to North Dakota and have a week-long training session. 4 days of classroom and a 100 point test. The test is not that hard; it helps insure that the training was effective and brings a VSO up to the level that they need to be at.

**Senator Horne:** Is this a burden on the counties?

**Mark Landis:** No, right now they send them to 2 conferences a year.

**Senator Oehlke:** Why was it taken out?

**Mark Landis:** No idea.

**Cindy Munsch:** Deputy Veteran Service Officer in Burleigh County. See attached testimony #3.

**Senator Horne:** Is there formal training now?

**Cindy Munsch:** Nothing that is required. After you are accredited you have to continue

**Senator Horne:** Do you or others feel that it is important to require it to VA officers.

**Warren Tobin:** Stutsman County Veterans Service Officer. See Testimony #4.

**Senator Dever:** How many are accredited?

**Warren Tobin:** 12 that are nationally accredited.

**Senator Dever:** Any that sought accreditation from other organizations?

**Warren Tobin:** I have tried but I was turned down. Most of the ones that can will do it.

**Lonnie Wangen:** Commissioner, North Dakota Department of Veterans Affairs. See testimony #5.

**Senator Oehlke:** In Ramsey County, the judge's chambers they have interactive video. Would they be able to access that training? Would that help?

**Lonnie Wangen:** I am not aware. I believe it could help, though.

**Senator Cook:** The bill we have says that they must be accredited within 2 years of the appointment, is yours being it is silent, and that it has to happen right away. My guess is that the challenge is that the somewhere in the state that are not going to do either one. How do we get it put in place today and have the goal for the next 2 years?

**Lonnie Wangen:** There are people that have said that they wouldn't attend certain training, but that is just hearsay.

**Senator Cook:** Maybe we giving counties options that they either have a county veterans officer employed by the county that is accredited or they are served by another county veterans service officer that meet the accreditation.

**Lonnie Wangen:** That is a good option. We would need to look at the maximum that they could have; I would not want to see 9 counties covered by one person.

**Senator Horne:** You set the standards based on the Federal VA office of General Council. Leaving it up to the organization where the officer gets trained?

**Lonnie Wangen:** The office of General Council can accredit with the VA. They are the ones making the decision to accredit with the VA; they are one that is with the organization. Say someone gets accredited and new people come in and we can work with them on that.

**Senator Horne:** Who gets them all on the same page?

**Lonnie Wangen:** That is why we want to keep it on a state level. What we need to move in is this direction. Once we are accredited we don't need to bring in every year

**Senator Nelson:** The VAOGC has a list of approved programs. You would like to choose based on your needs, to do the accrediting.

**Lonnie Wangen:** That is correct

**Senator Dever:** If the training was from other than the organization that 12 people are accredited with, they would have to take it again?

**Lonnie Wangen:** No. You can apply for cross accreditation.

**Jerry Balzer:** I have no position on the issue. My comments have to do with section 2, with the conservatorship. I happen to know that the department of employees still has conservatorship with Veterans. Section 5, reinserted into what you have in front of you, it calls for the position to be appointed by the governor. What better to have service to Veterans than at the cabinet level? As I understand the Adjutant General asked for \$1,000,000 be included in their budget for transitioning and reintegration of activities for returning military personal. We need to eliminate duplicate state services. Wouldn't it be nice to have a one-stop shop for the needs of the Veterans? 14,000 disabled Veterans have not applied for their stimulus check.

**Senator Horne:** I am not sure how the commissioner comes to that job. How does that happen?

**Jerry Balzer:** The commissioner is chosen by the 5 major Veteran's organizations.

**Dean Overby:** Chairman Veterans Affairs Subcommittee. See testimony #6.

Chairman Dever closed the public hearing on HB1057



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1057

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10411

Committee Clerk Signature

*Katie Oliver*

Minutes:

**Senator Dever:** What kinds of amendments would we like to see on 1057? Were there specific things that you want us to do? Part of my concerns with that language is that they must maintain accreditation within 2 years. What is the penalty if they don't?

**Mike Mullen:** Assistant Attorney General. The concern of the commissioner, regarding the language that was added in the house, is that based on interpretation of federal law, from the office of general council of U.S department of veteran affairs, a county veteran service officer would only be qualified to work if they log 1,000 a year or approximately 20 hours a week. That language might be construed as they are unable to serve if they do not log those hours. This language might result in county veteran service officers to be deemed unqualified by the federal V.A.

**Senator Dever:** If we said achieve certification that would be different?

**Mike Mullen:** The commissioner wants an amendment that creates flexibility so that a veteran service officer in a rural county who did not work 1,000 a year would still be an accredited county veteran service officer and would still be able to qualify under both state and federal law. The background is that there has been a concern that not all county officers are properly

trained. This language is my attempt to translate the testimony into the form of an amendment. I have contacted the office of V.A. as to if this would be acceptable.

**Senator Dever:** Accreditation or Certification? Because accreditation is a broader term that just receiving training.

**Mike Mullen:** If a state agency gives accreditation to a county veteran service officer they can only do it if they are employed by the county and log 1,000 a year. That is why it seems to permit those other organization regardless of the hours that they work.

**Senator Nelson:** All the opposition came from service officers that have gone through the accreditation process and they were not satisfied.

**Senator Cook:** Lonnie has no problem with that. I believe that we have to put some teeth in this and make sure that the veteran service officer knows what they are doing. As far as the 1,000 hour requirement, only way you will find one who will get trained is someone who is going to make a full time job out of it. Then I think that our policy question is what happens to those that don't do it. At some point a county needs a trained veteran officer. The other things is that I believe we need amendments to study it during the interim, and I think that we need to change the amendments in section 2 to make it clear what the policy is.

**Senator Horne:** The 1,000 hour rule, is that only a fiscal situation?

**Senator Dever:** We have counties that have less than 100 veterans. They don't have the need for a half-time FTE. When a veteran comes to them and wants to know what benefits they should be looking at, they don't have the ability to articulate that.

**Senator Nelson:** How long have Morton and Oliver been combined?

**Senator Dever:** I think it was in the 2005 session.

**Senator Nelson:** Was it a decision of the veteran's decision or county decision.

**Senator Dever:** Sounds like there are all kinds of resources that come together and the county veteran's service officer is the lynchpin.

**Senator Horne:** If there were counties that combined they can still have others officers stationed around.

**Senator Dever:** We have a lot of people who are dedicated to what they do. Williams County, without compensation serves those around him.

**Senator Cook:** The next 2 years, we need to have a timeframe to decide to train an employee or to solicit from another location.

**Senator Dever:** What would happen if we talked in terms of certification not accreditation with the study to include consideration for establishing an accreditation process through the department of veteran's affairs?

**Senator Oehlke:** Isn't that what the interim did the last time is study the issue?

**Senator Dever:** They studied the provisions of services to veterans.

**Senator Cook:** The study is done; we know what the problem is.

**Senator Nelson:** There needs to be an ongoing action.

**Senator Dever:** Would you like to see them establish an accreditation process

**Senator Nelson & Senator Cook:** Yes

**Mike Mullen:** If I understand it, each county service officer must receive accreditation by this date. You would also like it to apply to currently serving employees.

**Senator Horne:** If we want to review this in the next session we need them to comply before December 31<sup>st</sup>, 2010. Otherwise how do we know that they are making progress?

**Senator Cook:** Maybe all we need is for all 53 counties to report where they are at on this.

Whether or not they have a county veteran service officer that will meet the requirement or if they are going to consolidate with another county.

Page 4

Senate Government and Veterans Affairs Committee

Bill/Resolution No. 1057

Hearing Date: 03/05/09

Chairman Dever closed the committee work on HB1121.

1057

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1057

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10945

Committee Clerk Signature

*Ruth Oliver*

Minutes:

Mike Mullen was there to explain the amendments that were prepared by Legislative Council.

**Senator Oehlke:** One of the folk that testified mentioned that the commissioner should be appointed by the governor. How does that happen now?

**Mike Mullen:** The commissioner is appointed by the Administrative Committee on Veteran's Affairs. That was not in the house bill, as I know it.

**Senator Cook:** What is missing is a requirement that would cause county commission to report to a legislative committee as far as what their intentions are. Maybe it has to be that if you have a report on December 1, 2010 then you request it at the July 1 meeting and we could request reports from various counties about what they are doing.

**Mike Mullen:** I could work on the language for you.

**Senator Dever:** I wonder if we included in the report the reasons why counties might choose not to cooperate. I guess the point of this is that next session if any counties have not done a report we want to provide some sanction.

**Senator Nelson:** Can we get Ron's opinion on this?

**Ron Otto:** Morton and Oliver County Veteran Service Officer My thought has always been that that NACVSO should be the accrediting agency. And I was under the impression we had put a sunset clause on that in order to implement that in the in next session.

**Senator Dever:** Our objective is that we want every county to have a VSO that is well trained and good at what they do.

**Ron Otto:** That was the premise behind bringing accreditation to the service officer's. They will bring in training and get them to a certain level. After that it is up to them to keep them at the level that they are at. NACVSO has 4 levels of training.

**Senator Dever:** In our conversation we need to see that there are those people out there and we don't want to interfere with the work they are doing.

**Ron Otto:** Accreditation opens up the opportunity for the Service Officers. They have done memos of agreement with other organizations.

**Senator Dever:** Does the language that we have here, does it do what we need it to do? We have expectation going forward. Do we need to tighten it up now?

**Ron Otto:** Let the commissioner do his job and get cooperation with the counties. If that falls short then he will need support from the legislature. The COVA will give him directions.

**Senator Cook:** With that intent, I am wondering if we can combine the 2 amendments.

**Ron Otto:** I don't see any problem with that.

**Mike Mullen:** That is acceptable.

**Senator Horne:** Does that mean that SO's can be certified only by NAVSCO?

**Ron Otto:** As the bill will say, I would say that if accreditation is obtained directly from another organization it's ok.

**Mike Mullen:** I did take some notes and I can offer some language about the dates.

**Senator Horne:** Then they would have a choice from different organizations other than NAVSCO?

**Senator Cook:** Correct. If a county service officer is out there and right now his only choice is NAVSCO.

**Harvey Peterson:** Golden Valley/Beach Veteran's Service Officer. Don't limit the accreditation to one organization & it should be up to the commissioner schedule's the training. If it is NAVSCO I will be there.

There was no more discussion and Chairman Dever closed the committee work on 1057.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1057

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10952

Committee Clerk Signature Katie Owe

Minutes:

Mike Mullen came in and went through the amendment. There were still some changes that needed to be made in Section 4.

**Mike Mullen:** My concept was that they have one by that date or by December 1, 2010. If they don't have accreditation they need to make arrangements to have someone else represent them.

**Senator Cook:** I don't want to send a message to them that this is an optional action.

**Senator Dever:** Or alternative provision to provide service to Veterans.

**Senator Cook:** I would like to see page 2 line 5 changed. I am wondering if we come back this afternoon I would like to see it cleaned up.

The amendment was discussed and they made changes where they saw fit. Mike Mullen took the amendment and noted the changes and the committee was in recess until after the floor session.



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1057

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/09

Recorder Job Number: 10954

Committee Clerk Signature

*Kate O'Neil*

Minutes:

Chairman Dever called the committee to order

**Mike Mullen:** I made one slight change from what the discussion was this morning. When you were talking about the conflict of interest or preventing an employee from serving as a conservator. I left the language the way it was because I talked to the commissioner's office and there are spouses, child, or others who receive benefits so I think that you want it to apply to anyone who receives benefits not just the veteran.

There was a motion by Senator Cook with a second by Senator Horne for a do pass on the amendments to HB1057. Roll was taken and the motion passed 5-0. With the amended bill in front of them Senator Cook made a motion for a do pass as amended with a re referral to appropriations with a second by Senator Nelson. There was no further discussion, roll was taken, and the motion passed with Senator Dever carrying the bill to the floor.

*[Handwritten signature]*  
3/16/09

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 14, replace "must maintain" with "shall comply with", after "accreditation" insert "requirements established", and remove "North Dakota department of"

Page 1, line 15, replace "veterans' affairs" with "national association of county veterans' service officers" and after "appointment" insert ", except an individual serving as a county veterans' service officer on August 1, 2009, shall comply with the accreditation requirements by December 1, 2010. After August 1, 2011, a county veterans' service officer shall comply with either the accreditation requirements established by the national association of county veterans' service officers or requirements established by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans affairs"

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the individual is the spouse or an immediate family member of the officer."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

Date: 3-13-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1057

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move Amendments

Motion Made By Cook Seconded By Horne

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Dick Dever      | X   |    | Dwight Cook     | X   |    |
| Dave Oehlke     | X   |    | Carolyn Nelson  | X   |    |
| Robert M. Horne | X   |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |

Total Yes 5 No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date:  
Roll Call Vote #:

Carrier  
Dever

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

Senate Government and Veteran's Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

Do Pass Re Referred to Appropri

Motion Made By

Cool

Seconded By

Nelson

| Representatives | Yes | No | Representatives | Yes | No |
|-----------------|-----|----|-----------------|-----|----|
| Dick Dever      | X   |    | Dwight Cook     | X   |    |
| Dave Oehlke     | X   |    | Carolyn Nelson  | X   |    |
| Robert M. Horne | X   |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |
|                 |     |    |                 |     |    |

Total Yes

5

No

0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

HB 1057, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 14, replace "must maintain" with "shall comply with", after "accreditation" insert "requirements established", and remove "North Dakota department of"

Page 1, line 15, replace "veterans' affairs" with "national association of county veterans' service officers" and after "appointment" insert ", except an individual serving as a county veterans' service officer on August 1, 2009, shall comply with the accreditation requirements by December 1, 2010. After August 1, 2011, a county veterans' service officer shall comply with either the accreditation requirements established by the national association of county veterans' service officers or requirements established by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans affairs"

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the individual is the spouse or an immediate family member of the officer."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1057

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1057

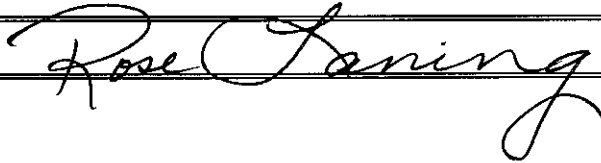
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 20, 2009

Recorder Job Number: 11332 & 11333 (starting at 30:53)

Committee Clerk Signature



Minutes:

**Chairman Holmberg** called the committee hearing to order on HB 1057 which relates to the department of Veterans Affairs employees and county veterans' service officers. Roll call was taken.

### **Senator Dick Dever, District 32**

I serve as chairman of the Government and Veterans Affairs committee. This bill includes \$20,000 for the training of County Veteran's Service officers (CVSO). We consider that to be very important and would ask for your positive consideration. There are still some policy considerations to be worked out in conference committee. The \$20,000 fiscal note was arrived at work in the interim committee and not in the policy committee so I don't there needs to be any adjustments to that.

**Senator Kilzer:** Do you know if this request is attempted to be put on with the Department of Veterans Affairs which was part of the veteran's bill?

**Senator Dever:** I don't know the answer to that. I was not involved in the interim committee that considered that but there is always a question about the dollars that are arrived at through the interim process and how they are entered into the governors considerations for his executive budget.

**Senator Krebsbach** asked for an explanation of the fiscal note. For 09-11, it goes from \$45,000 to \$175,000, and in 11-13, it goes from almost \$55,000 to \$210,000.

**Senator Dever:** I don't think there was anything done in policy committee that would have changed that.

**Chairman Holmberg:** The department is here, so we should be able to get the answer to that question.

**Lonnie Wangen, Commissioner of Veterans Affairs –**

Testified in favor of HB 1057. No written testimony.

As Senator Dever spoke, there are some policy changes that need to be made on this bill, but as far as the fiscal note, I'm supporting it and ask for enough money to fund all sections of this bill. Section 5 asks for \$20,000 which is a onetime bill. It would be nice if we could have that every year. We have put that in our budget and have added that as an additional amendment. So far that has been turned down. There was an additional \$50,000 we asked for our budget so we could do various accredited training. This 20,000 is for a onetime. Our budget would be for a constant.

In Section 3 – It says we may have up to two FTE (fulltime equivalents) as training officers for the state. That comes out to roughly \$42,000 for one FTE to do this kind of training, and since it asks for two, the most it would be would be \$87,949. That money is in the fiscal note, but it's not appropriated to our budget at this time. We asked for amendments to add one FTE, to add \$50,000 for this training, and to add monies for laptops for the 12 veteran's service officers. Those amendments have not been approved yet.

**Chairman Holmberg:** You are asking that over in the house where your budget is?

**Lonnie Wangen:** We asked for that when the budget was here, and we're still asking for it in the House.



**Chairman Holmberg:** Is that where your venue is right now for that additional money in the budget?

**Lonnie Wangen:** That is correct. That money would not cover the full \$80,000. We only ask for \$50,000 and one FTE. So if we had one FTE, it would take that \$50,000 to keep things running and that would also include money to bring in future contract training beyond the \$20,000 that is appropriated here.

In Section 1 wording was changed, and I sent an email detailing the explanation of that. I did calculations at what it would cost to send one CVSO to the next accredited training in 2010. We are trying to send the service officers for national accreditations and they are booked. Our concern is that if the counties don't make it to that training that is provided here, then they would need to go to the training that in 2010 may be in Minneapolis. The total fiscal note is mileage from Bismarck (which is an average) to Minneapolis and all the expenses it would take for all CVSOs to go. The fiscal note provided prior to this would be a realistic fiscal note if all the CVSOs went to contract training that was provided under these appropriations. We would like to combine our two trainings into one training. So the appropriations for the counties, it wouldn't be any additional expense.

**Senator Mathern:** Is there any money in this bill that is already in the House in other bills?

**Lonnie Wangen:** Nothing that's been approved.

**Senator Mathern:** There's nothing in this bill that duplicates anything else that has been approved by this legislature.

**Lonnie Wangen:** That is correct.

**Jerry Samuelson, McKenzie County Veterans Service Officer**

Testified in favor of HB 1057 . No written attached testimony.

I am in support of the appropriations for funding to help train our Veterans Service Officers. Currently we have two training sessions per year. Those training sessions last approximately two days. I do not believe that's enough training. We have a lot of part time service officers who simply need more training. Our two sessions are simply not enough to maintain our proficiency. There were two additions to this bill. One that I'm against is the part where it talks about bringing in a particular group. I've been working the Commissioner of Veteran's Affairs on trying to bring in many different types of groups. The two supplements to this bill talk about specific groups. I don't think we need to tie the commissioner's hands. We're presently bringing in the American Legion in April. I've talked to the VFW and the AMVETS. Presently they are having funding issues. The American Legion is going to be doing two days of training at no cost to the state or the counties. There is some cost to this specific group that is mentioned here, the National Association of County Veteran's Service Officers (NACVSO). We would like to bring in all groups, but we I don't think we need to legislate to the commissioner of veterans affairs individual organizations to do our training. Basically, we are tying our commissioner's hands. All of this training and all of these service organizations are great. Presently there is not a certification requirement for county veteran's service officers. That is the responsibility of the Commissioner of Veteran's Affairs; they are to set guidelines for the County Veterans Service Officers. We have a very capable commissioner and we need to let him work with our committee.

**Senator Mathern:** Are you suggesting we amend section 1, line 17, 18, 19? Was that brought to the policy committee and does your organization have a specific amendment to offer at this time?

**Jerry Samuelson:** We were in support of the House bill. We were in favor of that

**Senator Mathern:** Is the change you're recommending today, the change you suggested to the policy committee?

**Jerry Samuelson:** No, we did not go to the policy committee for that change.

**Mark Landeis, Burleigh County Veterans Service Officer,**

Testified in favor of HB 1057. No written testimony.

I am accredited with the National Association of County Veterans Service Officers. I support the bill as it is currently written and engrossed, specifically with respect to mandatory accreditation through the National Association of County Veteran Service Officers (NACVSO). There appears to be a misconception that accreditation with any organization is just as valid as any other for county veteran service officers. I am here to tell you that is simply a myth. Organizations do offer good training for their people; however, it's not geared to County Veterans Service Officers. It's primarily designed for regional office and home office employees. NACVSO is geared to the county level. It's conducted by the best county service officers in the United States. We're able to provide this training in ND to all of our VSOs at a minimal cost. Also NACVSO opens the door to cross accreditation with several other organizations, such as the VFW, AMVETS, and DAV (Disabled American Veterans). When I become accredited with NACVSO, I can also become accredited with VFW, DAV, and AMVETS. They all have National Service Officers in Fargo. With my accreditation, I have access to the records for the veteran. This is a tremendous asset in being an advocate for the veteran. I believe the fear of being tied to one organization is not justified. NACVSO is growing, it's not going away. Training for multiple organizations will only result in inconsistent training standards as well as the quality of training. Furthermore, we do not have details of the current accreditation plans. The spring conference is only a month away. We don't know if it's really designed for CVSOs, we don't know if it's approved by the VA. If not, how long will it

take to be approved? Those details have not been forthcoming. I believe we need to move forward. We need to make the best plan based on the advice from experts, not from laymen. We need to fund it and we need to execute it. Put the best tools in our hands and let us go to work.

**V. Chair Bowman:** Is this being driven from the local levels to require more training or is it from the top end saying you need to be trained?

**Mark Landeis:** There are a lot of opinions at different levels. There are several of the CVSOs who do support the professional organization. There are some who oppose it. I believe they oppose it because they are afraid of taking a test. The test validates the training and makes sure the person grasps the very basics and has the ability to perform this type of work.

**Ronald D. Otto, President, Professional Veteran's Advocates, North Dakota**

Testified in favor of HB 1057. No written testimony.

We are fourteen counties that formed a new organization last year and we are all members of the NACVSO and most of us are already accredited. I support the bill as is and I support the appropriation of \$20,000 in order to provide the training. The engine that drove the \$20,000 came out of the interim study committee. NACVSO is the gold standard for training. The bill as it is set up does not tie anybody's hands, and in fact, it enables the commissioner to put a program together and get it in place and implement it as the bill stands. It's just that NACVSO would be the accrediting agency in 2010. Our membership of the Professional Veterans Advocates of North Dakota, the 14 counties, we service over 71% of the veterans in the state. We probably do over 80% of the work in the state. We're up and running and we're a professional group. When the previous speaker mentioned that they are developing a long term training program in Fargo, we weren't invited. Our training program was developed out of

the interim study committee and a long term training program is going to be developed by the commissioner's office.

**Senator Robinson:** The 14 counties and the 71% of the veterans that you represent, are we covering geographically the major areas in ND or not. What can you tell us in composition of the 14 counties?

**Ronald D. Otto:** The 14 counties are a combination of some major counties and some smaller populated counties. We're taking Cass and Grand Forks, Stutsman, Barnes, Burleigh, Morton, Grant, Traill, Stark, Dunn County, Oliver County. In dealing with both the large and small county and the interim study committee, I handle both Oliver and Morton Counties. We had a CVSO in Oliver County that was there for 17 years who had never filed a claim. There is federal money out there and we need to go after it.

**Senator Lindaas:** Do you see a time in the near future when the veterans' organizations are less fragmented. I was on that interim committee and it was disturbing to me to see the turf battle that was going on. You all fought on the same side during the various wars that you were in and now there is a division there that to me is kind of disturbing.

**Ronald D. Otto:** In some issues, we close ranks in a hurry. There is going to be a change and we're turning a corner. We're going from the twentieth century to the twenty-first century; electronic claim filing is coming along. The computer age is now here. We're talking enhanced training so that everybody basically has a base knowledge of what we're doing.

**Lonnie Wangen:** You had asked earlier about the wording that was agreed upon. This is the wording that was agreed upon between me as commissioner and the chairman of the ND Association of Counties, and Mr. Ronald Otto, the president of the professionals. Basically, what this says is, "the County Service Officers must comply with the accreditation requirement as set by the ND Department of Veterans Affairs in complying with the VA office of general

counsel." We've agreed that this training needs to come in the next biennium. We agree that everyone should get the NACVSO training by 2010. The wording after that says you can go with NACVSO or you can go with us. The ND Department of Veterans Affairs should set the training standards and accreditations. We should be able to set some state standards also on that and this doesn't allow that. It allows the service officer to bypass this agency all together.

**Senator Kilzer:** As I recall, the Depart of Veterans Affairs' spending was on the same bill as the authorization budget for the veteran's home and in past sessions, has the funding of CVSOs been separate like it is in this bill or has it been part of the department of veterans affairs?

**Lonnie Wangen:** CVSOs have never been funded by the state, they have always been county funded as far as my knowledge goes. They are 100% funded by their counties or a mill levy.

Handed out info – attached #1

**(Job # 11333 starting 30:53) (March 20, 2009)**

**Chairman Holmberg:** I have questions on HB 1057. My sinuses might be plugged up or something but I couldn't figure out the cat fight. We were being asked to get out our whistles and striped shirts and I believe Senator Dever essentially said there are several issues that need to be picked on and worked on. Let's do that in the conference committee and just pass judgment on the \$20,000.

**Senator Robinson:** The public safety committee studied over the interim and Senator Lindaas was active on that committee. He is very accurate in talking about the division within the veteran's organization. There was a proposal initially to restructure it pretty aggressively and that met with a lot of consternation statewide. There was a proposal to move the VSO out

of Fargo to Bismarck and there were clearly two sides on that issue and also to restructure the veterans' board. Those were some of the issues that added to the controversy.

**Senator Mathern:** We were dealing with this as a subcommittee as part of the veterans home bill. It was clear that the commissioner was new to the system and it's fairly new. Another issue is that this never gets developed enough to understand what's going on because we spent all our time on geo-thermal wells, buildings and staffing the veteran's home and only spent a couple minutes on this issue. We never really fleshed out the whole story.

**Chairman Holmberg:** You raise a good question. I'd like to ask Lori, is that because of tradition that those are treated together in the same bill or is it something statutorily that they have to be treated together. We have some of these agency budgets that are really small.

**Lori Laschkewitsch, Fiscal Analyst, OMB** - I don't believe there is a statutory requirement. It's just that those two budgets have been together for ever.

**Chairman Holmberg:** The legislature, by legislative intent, say that in the preparation of the budgets of 2011 biennium that they shall be treated as separate bills, and then it would happen. I don't know if that's good or bad, but Senator Mathern raises a good point about it getting overshadowed.

**Senator Robinson:** This session, with the construction of the home, the geo-thermal, the landscaping issue and so on. It obviously consumed more attention than ever before and maybe it made the situation worse. I concur with Senator Mathern because there are two distinct budgets here that should be treated separately, even if they're back to back.

**Chairman Holmberg:** That would be an issue that if that was a direction they wanted to go, they could certainly attach that. There will be a conference committee on all these bills.

**Senator Christmann:** We're talking about \$20,000 and I look at the fiscal note and it shows \$105,000 and I read into the 2<sup>nd</sup> page of the fiscal note and between state and counties, there

is some reference to \$600,000. So I don't even know what questions to ask these county service people. I don't know what we are talking about here.

**Senator Kilzer:** I was on the public interim committee and also on the veteran's home.

During the last interim, most of the early time was spent debating the size of the department of veteran's affairs board. There are five veteran organizations and each one has three people on the board, so that's fifteen people on the board. That's the way the veterans like it and they want to keep it that way. The people on the interim committee were more interested in lessening the number down to seven or even five. That got the veterans up in arms about a lot of things including the subsequent things which is kind of a target at the CVSOs. There is a wide discrepancy in the amount of training they have and the number of claims they file. That becomes the issue later on. I myself still ask why all of this isn't in the main Veteran's bill. Why are we seeing a separate bill? There is an appropriation for the Department of Veterans Affairs along with the operation of the Veterans Home. I think we have duplication.

**Senator Mathern:** I would say that it's basically because the interim committee said there should be a separate bill. It wasn't an individual legislator who said it but the governor. It would be better had the governor put it in his bill.

Chairman Holmberg: The governor typically doesn't put in interim bills.

Lori Laschkewtsch: That is correct. The interim committee spent a significant amount of time.

**Senator Krebsbach:** I have dealt in GVA years ago; we had a lot of dissension between veterans groups. We reorganized the board back in late 90s or early 2000. It came around then and everyone was in agreement and things were going just great in the next couple of sessions. Now all of a sudden, it's back in turmoil. As I see it, one group which is called the statewide CVOs. They want to see the training done under an umbrella that they can approve



and the other group of the 14 counties, the president of the professional advocates; they want to be under the umbrella of the national group. There has to be some common ground here, but you have to get people working together to accomplish it.

**Chairman Holmberg:** It's a big issue for \$20,000.

**Senator Krebsbach:** If I remember right, the Veterans' post war trust fund is to take care of needs of veterans. I'm wondering if this would qualify because it would help the veterans to have training.

**Senator Lindaas:** A personal observation – These are nice folks, all of them, but they get off on the wrong foot in some cases. Part of it is turf and part of it lack of communication, I would say. I kind of hate these deals where people are fighting amongst themselves and they come in here and want us to sort it out. It's kind of like a couple kids fighting and they yell, "Ma".

I don't think it's our job to do that, particularly when we're a budget committee.

**Senator Krauter:** I can't quite do the math.

**Roxanne Woeste, Legislative Council:** I haven't taken any time to study the fiscal note. I'll have you note that the commissioner is new and he's new to the whole fiscal note process. That could be why the fiscal note is a little bit difficult to understand at this time.

**Chairman Holmberg:** If the committee feels that \$20,000 is appropriate, we could pass it down field and let the GVA committee slug it out and try to get people happy before the end and we will have the actual budget for them before us again.

**Senator Mathern:** I don't think it will be resolved in that way. I just wonder if we shouldn't at least add some wording to this bill and attach it to the discussion of the other bill. I don't know what the wording would be, but I could see the other bill going through separately and this one going through separately and we still won't know the consequence of each. I don't know if there is some sort of amendment that we could put on. If the Legislative Council would assure

trackage of these two together with a fiscal note that is common to both. I think when he does his fiscal note; he's really talking about the budget and this separation so maybe we should figure this out by putting some wording in this bill as we send it out.

**Chairman Holmberg:** But in the end it will be a different committee that will be negotiating on this. We've had a long history of the council working with the conference committees on other bills that might be impacted or affected.

**Roxanne Woeste:** It really is of each agency head to notify the Appropriation Committees of any other outstanding bill that might affect their budget bills. I'm sure he's provided information over in the House Appropriations as to if this bill would affect what you would mean. The \$20,000 appropriation was added to this bill because at the time we were doing our work during the interim, they said they needed \$20,000 to bring in this NAVSCO organization to provide the training. So that's the genesis for the \$20,000. The extra FTE costs – I'm not exactly sure what he's referring to because that section of the bill, section 3, says they may use up to 2 of their existing FTEs to provide training. That section was not for new FTE positions; it was added by the interim committee to say maybe you should look at your FTE positions and probably try to dedicate a little bit more time to training.

**Chairman Holmberg:** He's a new director, and has not gone through this process.

**V. Chair Bowman:** This isn't the first time that we've had similar disputes between two different groups and normally the best way to do it is send them both home and tell them to either start getting along and bring in something they can agree on or don't come back because until they can agree, all we do is solve more problems with them. Senator Krebsbach hit it right on the nose. One group wants the state to be involved and one group doesn't.

**Senator Krebsbach:** I think **Senator Bowman** is right. In all due credence, this should go back to the GVA committee and if they can work out something between now and then, that's

great. If they can't, then we deal with it. I did get information from veteran's commissioner and I'll be happy to share this information with the committee - the people that are already accredited and the ones that aren't. I think it's very proper to send it back to the GVA committee and in conference they can work out whatever they can and if not, as **Senator Bowman** says, we tell them to go home and come back when you're in accordance or agreement.

**Senator Lindaas:** Like the barbers and beauticians a few years ago.

**Senator Krauter moved Do Pass.**

**Senator Warner seconded.**

**Senator Warner:** I think he's confused the two bills. He has a whole lot of costs attributed to his budget bill.

**Senator Krebsbach:** And the other thing, I think we heard that 90% of this comes from the federal.

**Senator Mathern:** I don't think we've done this before, but should we pass this out, not to floor, but back to GVA committee because there is an amendment that he offered too. It says suggested.....

**Senator Krebsbach:** That was to the GVA committee.

**Senator Mathern:** So what he handed out is already in the bill? OK

**A Roll Call vote was taken. Yea: 11    Nay: 1    Absent: 2**

**Goes back to GVA**

Date: 3-20-09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1057

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Krauter Seconded By Warner

| Representatives    | Yes                                 | No                                  | Representatives  | Yes                                 | No |
|--------------------|-------------------------------------|-------------------------------------|------------------|-------------------------------------|----|
| Senator Wardner    | <input checked="" type="checkbox"/> |                                     | Senator Robinson | <input checked="" type="checkbox"/> |    |
| Senator Fischer    | <input checked="" type="checkbox"/> |                                     | Senator Lindaas  | <input checked="" type="checkbox"/> |    |
| V. Chair Bowman    |                                     | <input checked="" type="checkbox"/> | Senator Warner   | <input checked="" type="checkbox"/> |    |
| Senator Krebsbach  | <input checked="" type="checkbox"/> |                                     | Senator Krauter  | <input checked="" type="checkbox"/> |    |
| Senator Christmann |                                     |                                     | Senator Seymour  | <input checked="" type="checkbox"/> |    |
| Chairman Holmberg  | <input checked="" type="checkbox"/> |                                     | Senator Mathern  | <input checked="" type="checkbox"/> |    |
| Senator Kilzer     | <input checked="" type="checkbox"/> |                                     |                  |                                     |    |
| V. Chair Grindberg | <input checked="" type="checkbox"/> |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |
|                    |                                     |                                     |                  |                                     |    |

Total Yes 12 No 1

Absent 1

Floor Assignment back to GNA Rever

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 20, 2009 11:15 a.m.

**Module No: SR-51-5451**  
**Carrier: Dever**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1057, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING).** Reengrossed HB 1057, as amended, was placed on the Fourteenth order on the calendar.

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

HB 1057

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee One HB 1057

House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: 04/21/2009

Recorder Job Number: 12044

Committee Clerk Signature

*Melissa M. Erhardt*

Minutes:

### CONFERENCE COMMITTEE ONE:

**Chairman Kasper:** We will open the Conference Committee hearing on HB 1057. Clerk will call the roll.

**Clerk Engleson:** Roll Call. All present. Chairman Representative Jim Kasper. Representative Mike Nathe. Representative Bill Amerman. Senator Dick Dever. Senator Dwight Cook. Senator Robert Horne.

**Chairman Kasper:** HB 1057 deals with Veterans' Affairs and all kinds of items in that topic. Have you been getting emails from across the State and what we should do with this bill.

**Sen. Dever:** I have had a quantity and some of them have been pretty personalized.

**Chairman Kasper:** I have some to and I made copies and they were not personal just informational.

**Sen. Dever:** Just some history with the Veterans, back in the 1990's each of the organizations would come with their agendas and they would be dealing with different issues and different approaches and they didn't have very much success and in 2001 session the Administrative Committee was put together as it is now presently constructed and as they considered Legislation to move forward they have gone through that Administrative Committee and then any Legislation that was proposed had been agreed to by all the parties and since then had had a lot of success. For some reason this time we have seen some fracturing taking place and so I think we need to do what we need to do and they need to recognize they need to resolve their differences.

**Chairman Kasper:** Why don't we start with the Senate explaining the amendments that you added to the bill so we can get a feel for what you did and why you did it.

**Sen. Dever:** There are three different aspects to these amendments and one involves the training itself. We felt it was important that the training come through the National Association of County Veterans Service Officers and we included that. We said that by August 1, 2011 the County Veterans Service Officer shall comply with either the accreditation requirements established by the National Association or requirements established by a recognized service organization. I

think as this bill came out of the interim committee it provided \$20,000 to have



that organization to come to the State and offer that training. The second one on Page 1, Line 23 a County Veterans Service Officer may not serve as a conservator for an individual and that is something that we may need to visit about and consider any adjustment for that too. Finally, a report to Legislative Council on the number of County Veterans Service Officers that become accredited through the training and I think our common concern here is that when a Veteran anywhere in the State goes to their Veterans Service Officer and asks what my benefits are that they ought to have somebody who is trained and knowledgeable and maybe able to provide those answers. I think that whatever we do as we move forward and however we approach it that our end goal is for all of us.

**Chairman Kasper:** Sen. Dever I think that you hit the nail on the head with the concerns. I think that the third one the Legislative Council report is something that we really don't need to talk about because it is something that we do want about the accreditation. The emails that I have been receiving, I sent around the first part which is who should be the education organization? The Senate put in the National Association of County Veterans Service Officers and there seems to be some discussion on whether or not that should be the entity or not? I see there are some people in the room, Mr. Otto is here, and I have had conversations with him, and maybe Mr. Otto you could share your thoughts with

the committee on the education arm and maybe have a discussion on that for a bit.

**Ron Otto, Morton County Veterans Service Officer:** The National Association of County Veterans Service Officers was organized back in 1987 and the sole purpose was for the training of County Veterans Service Officers to get them an education level to serve veterans uniformly across the United States. They are a growing organization and they have a significant amount of muscle right now in Washington, DC also and at times they are called to the table in Congress with regards to Veterans issues before other service organizations are. It is in my professional opinion the gold standard for training for County Veteran Service Officers. I have been in this business for 22 years. I have seen very poor training, mediocre training coming out of this State and we thought at this particular time at the interim study committee and what I did was that I have been very consistent about that is saying that the National Association of County Veterans Service Officers should be the training entity and the accreditation entity. Several things are happening nationwide and again the wave will hit ND eventually and in fact we are going to push the wave in ND. The Professional Veterans Advocates of ND which I am the President, the electronic filing for claims is going to happen. For many years now there has been an ability to electronically access information through the VA with regards to claims. The

National Association of County Veterans Service Officers has the ability to not only accredit their organization or their Veterans Service Officers organization but to cross accredit with other organizations, which includes the Veterans of Foreign Wars, the AMVETS, the disabled American Veterans, the Vietnam Veterans of America, the Paralyzed Veterans of America and several others. In the State of ND we have four major service office organizations that are performing work at the National Level and that would be the Disabled American Veterans, the American Legion, the AMVETS, and the VFW or the Veterans of Foreign Wars. The National Association of County Veteran Service Officers basically covers three of them and in its negotiation with the fourth one to get cross accreditation with that. So upon receiving accreditation from the National Association of County Veterans Service Officers you may during the future be cross-accredited with all organizations operating in the State of ND. It gives you an advantage, there are three counties right now in the State of ND and a fourth one seeking the electronic access. That allows me sitting at my desk when I am developing a claim to reach into Fargo, into their file system, and see what is going on with that claim. I know who is handling that claim on the Fargo end, I know what paper has been processed, what due process letters have been sent, and I am not blind to the claim ever. I fought that ground four years ago in order to get it into Morton County and get that accomplished. About two years after I

got it, Burleigh County did it, Ward County got it, Stutsman County is in the process, Cass County is in the process, and Grand Forks is in the process. In order to accomplish that you must be accredited. In order to receive that electronic access you must be accredited. You can only look at the claims of the organizations that you are accredited with. If I am not accredited with the VFW, I cannot look at the claims even though the Veteran may have said I want the Veterans of Foreign Wars to represent me in Fargo or in St. Paul as the case may be. Without that accreditation I am blocked again. That is part of the process.

**Chairman Kasper:** Do you have an idea of what percentage of service officers in ND right now are accredited?

**Ron Otto:** There are 14 of us.

**Chairman Kasper:** 14 out of 53 counties.

**Ron Otto:** I represent two counties and the one in Stark County represents two counties. I think that those are the only two that are representational right now. There might be one up in the NE corner.

**Chairman Kasper:** In your opinion are there some counties out there that are reluctant or may not pay for this accreditation for their Veterans Service Officers or do you think all the counties are on board with the Veterans Affairs groups to get this accreditation for their representatives?

**Ron Otto:** If it comes from the State of ND, which is what the plan was to bring it in and not send people out, my understanding is that the Commissioner would make it a training module. Either in the Spring or in the Fall and they would probably only have one training module that year because it is a process of several days. It is not the normal two and half day training that we would normally get. It is going to be four full days probably and part of another day in order to accomplish it. There is some resistance out there with regards to training issues and having accreditation come in and say I have to take a test. I have to pass a level of proficiency in order to gain this accreditation. There is no question that there is some resistance out there with regards to that. In Oliver County, I will speak to that because I am very familiar with it, when I took that over, and I was fully accredited when I took that over, the amount of Veterans benefits coming into that County was between 70,000 and 90,000. This year the compensation pension alone was 315,000 in addition to the medical that we were able to put into place because of the service connected disabilities we put into place. We are well over the top of 400,000 dollars worth of VA benefits coming in there. In a major county and there are major counties that are accredited through the State. We not only take care of our counties but we do a lot of claims for small accounts. Individuals who will go into a County Service Officer who is not fully trained, maybe a part-time Service Officer, maybe works four

hours a week and has no regular hours, and that particular individual simply because of the time spent in the industry and the time spent doing claims is not really versed in accomplishing the goal for the Veteran, which is to procure the benefit. That is job one. So they come to the larger county and so what we are trying to do with this piece of Legislation is to get everybody at least to an entry level. You have the ability and you should have the confidence to file that claim. Once you file the claim you are in partnership with the Veterans of Foreign Wars, the AMVETS or the DAV or the American Legion, you are in partnership, you, the veteran, and the claims representative. With accreditation and a little support coming out of these counties with regards to electronic access or from the State Department with electronic access you are not blind in the claim and believe me that makes a big difference when you get into the middle part of the claim where your development takes place.

**Chairman Kasper:** On the electronic access, it is simply through the internet with a password and the fact that you are accredited and you don't need any special computerization or anything like that?

**Ron Otto:** The software is provided by the VA. You take periodic training with regards to security and privacy issues. You must stay up with that or they pull the plug on you. They have the ability on the other end to do that.

**Chairman Kasper:** Do you get that type of training during this annual training that you are talking about or the accreditation training?

**Ron Otto:** You have the ability to take it online. We don't have to travel anywhere other than our desk.

**Sen. Horne:** Are you a full-time Veterans Service Officer?

**Ron Otto:** Yes I am.

**Sen. Horne:** How many others that are like you that are full-time among these other 50 service officers?

**Ron Otto:** Probably 12 or 14. Grand Forks, Cass, Barnes, Stutsman, Burleigh, Morton, Ward is part-time.

**Chairman Kasper:** Some of the smaller counties would probably claim that they don't have budget to have a full-time service officer and obviously there are some that combine together so we have the dilemma of wanting to provide the benefits for the Veterans which is the primary goal you have indicated compared to no money. How do we solve that dilemma with no money in the county needing to provide the benefits for the Veterans?

**Ron Otto:** I am just going to give you what my vision has been in the industry. That dilemma may solve itself with regards to accreditation. If the Service Officer is going to refuse to be accredited eventually their ability of authority is put in the hands of the Commissioner of the Department of Veterans Affairs and

encouragement for these counties to consolidate Service Officers amongst themselves may happen. With more hours and times and repetitiveness in the industry in taking claims you are going to see people get better we believe. There is somewhere between 20 to 40 million dollars out there untapped.

**Chairman Kasper:** I would like to jump to the next issue which is dealing with conservator compared to the position that we have. I received an email and maybe the rest of you did to and I will share it and made copies for you. We have a concern where up in Grand Forks where they are providing services as conservator and the bill now prohibits being able to do certain things as a conservator and as a Service Officer and they are asking us to consider amending to allow them to provide these duties because there is no one else to do it. You have a veteran who has no relatives maybe even suffering from minor dementia or maybe lives in the nursing home or whatever that has nobody whatsoever to help them. These people are saying we need to provide those services. This bill as amended by the Senate, I believe, did prohibit the Veterans Service Officers may not serve as a conservator for an individual receiving benefits. Can you address that issue and give us your experience on how that could be fixed to provide protection but still provide the service?

**Sen. Dever:** I keep reading the email from the person in Grand Forks the problem is he serves as a County Veterans Service Officer and also as the



Grand Forks County Public Administrator. It is in that capacity that she serves as a conservator and the bill will be prohibiting that.

**Ron Otto:** That is exactly right in Grand Forks that office has also been named the public administrator office under that hat I think they are well-protected. I think any county that is going to point there finger at a Veterans Service Office and say you also are going to have the duty of taking care of Veterans who are incapacitated in one form or another and needing a conservator or a guardian if the county will give the Veterans Service Officer that hat and that authority, because then it is regulated. The county is taking a look at it. I think at that particular time I would guess then they would come under the (can't understand word) of the State with regards to (can't understand words). I agree with that theory that they shouldn't be taking guardianship and conservatorships without the whole knowledge and authority of their county. They shouldn't be doing that. I have seen in my years that done wholesale in some instances.

**Chairman Kasper:** The amendment appears to be much more stringent and prohibitive than being registered under the county offices because the way I read it, it says: "A County Veteran Service Officer may not serve as conservator if that individual is receiving benefits." So are we doing something here that needs to be fixed?

**Ron Otto:** I am agreeing with the doing something that needs to be fixed.

Grand Forks is showing us the way that it can be done and it can be done properly. We are tying their hands here and that might not be right.

**Sen. Cook:** Didn't we with this amendment closely mirror language or policy in the State Veterans Officer policy? Don't I recall something about that in testimony.

**Sen. Dever:** It is the policy of the State Department of Veterans Affairs.

**Sen. Cook:** Yes. But that is there policy right now and Counsel from the Attorney General's office pointed that out to us.

**Chairman Kasper:** Having said that we do have a dilemma in some cases here.

**Sen. Cook:** I understand.

**Chairman Kasper:** Any other questions for Ron?

**Rep. Amerman:** You are nationally accredited now along with some others in the State? Am I correct in thinking any Veterans Service Officer out there can go to their county or the county could go to them, and ask to get accredited, it doesn't have to be State mandated because apparently you and others have already done it without having the State tell them that they have to do this. Is that correct?

**Ron Otto:** Yes and that is correct. I sought education and training in this

industry many years ago with that particular group, the National Association of

County Veterans Service Officers because in my research and in the training I had in the past it was the gold standard and I wanted to be as educated in my industry as possible.

**Rep. Nathe:** Can you currently be a conservator for the veterans right now?

**Ron Otto:** I am a guardian right now for a lady who is not a Veteran. I did that as a favor to her brother who was a Veteran and who was dying and he eventually died of cancer and there was no other family left to take care of her and he asked if I would.

**Chairman Kasper:** Any other questions for Ron at this time?

**Sen. Dever:** I think you and the Commissioner had talked about coming together on an amendment that you were going to propose to this. Do you have language for that?

**Ron Otto:** I don't have language for that and we were trying to find a compromise of some sort. The Professional Veterans Advocates of ND basically took me to the woodshed and said we want the National Association of County Veterans Service Officers to be the accrediting training agency for the County Veterans Service Officers. The training brought in from other organizations are not necessarily geared to the entry level for the County Veterans Service Officers and I said Thank you very much and I am bringing that message forward right now. That is where I am standing.

**Chairman Kasper:** There was some discussion about maybe finding some funding for some of the training. Do you think we need to have some funding for this bill or another bill to accomplish what we need to do?

**Ron Otto:** My understanding is \$10,000 is what it takes to bring the National Association of County Veterans Service Officers in to do the accreditation training. That is all that is required. I have been in contact with the National Association of County Veterans Service Officers and we will see something change this year. Our national training and convention in San Diego this issue of training is going to be brought up on a national scale. We may even see the price of that slow down. In fact, they are going to try to find a way to try to do it for free.

**Chairman Kasper:** The email from Tom Risch is what you are talking about. Is there anyone else in the audience who would like to speak for information purposes that might be helpful?

**Terry Traynor, ND Association Of Counties:** Just the second sentence on that training section there. I think the first sentence is very clear and it allows for a time period for everyone to achieve accreditation but the second sentence sounds like after that period possibly a Veterans Service Officer would have to be trained immediately. It isn't real clear, obviously, in many counties they will be hiring someone when someone retires that may not have the training, we were

just wondering if there should just be a phrase in there about within the first year or after the appointment or something like that to make it clearer. Our pool of applicants are not people that are already trained.

**Chairman Kasper:** Would you mind providing us a sample of selective language that we could consider at our next meeting.

**Terry Traynor:** Sure.

**Sen. Dever:** Maybe at the next meeting would you be the person that could explain to us the role of the County Public Administrator and how it might apply in this situation?

**Terry Traynor:** I will see if I can research that as well. We have done some surveys about who does that function and which counties and when, so I could certainly provide as much information as possible.

**Sen. Dever:** And maybe what controls are in place that they have to comply with?

**Sen. Cook:** Is it possible to get the amount every county budget's for the Veterans Service Officers?

**Terry Traynor:** Yes, I believe so. At least what they levy for that. I think it is 99% of what they budget.

**Sen. Cook:** I would like to see that if I could.

**Chairman Kasper:** We are probably going to be meeting tomorrow and the next day so if you could bring that information back to us that would be great. Any other questions or comments?

**Rep. Amerman:** Does the Commissioner of Veterans Affairs know about these Conference Committee hearings and make sure that he is invited and maybe he could answer some of these questions.

**Rep. Grande:** Mr. Wangen is at the hospital with his child so that is why he is not here.

**Rep. Carlson:** Just a reminder that this is not a hearing, this is a Conference Committee.

**Chairman Kasper:** We will have another meeting scheduled sometime soon so check the calendar. Conference Committee adjourned.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee Two HB 1057

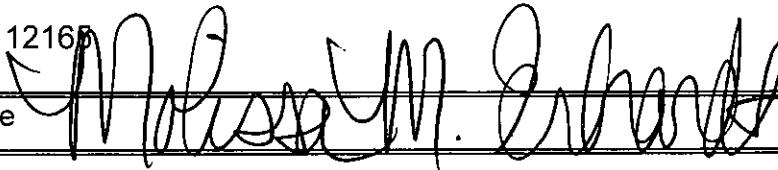
House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: 04/23/2009

Recorder Job Number: 12165

Committee Clerk Signature



Minutes:

### CONFERENCE COMMITTEE TWO:

**Chairman Kasper:** We will open the Conference Committee hearing on HB 1057. Clerk will call the roll.

**Clerk Erhardt:** Roll Call. All present. Chairman Representative Jim Kasper. Representative Mike Nathe. Representative Bill Amerman. Senator Dick Dever. Senator Dwight Cook. Senator Robert Horne.

**Chairman Kasper:** We have a quorum. My goal is that we will conclude our deliberation today and tomorrow morning at the latest. I passed out some proposed amendments for consideration and Terry Traynor's information that we had requested at our last Conference Committee. Before we get into the amendments does any committee member have anything new that you wish to bring to the table for us to consider? Hearing none if you would look at the proposed amendments to Reengrossed HB 1057 and you will notice that the second line down from the top needs to be 1057 as opposed to 1059. I would

like to walk through these amendments and consider either modification of amendments, amending of them, or adoption of them.

**Sen. Dever:** Which version of the amendments would this be?

**Chairman Kasper:** I believe it will be 0600. I hope that is what it is because under this amendment the Senate would recede from its amendments and then we would further amend. If we walk through the 0600 version, Page 1, Line 4 because the Senate has receded from your amendment we would have to put in "to provide for reports to the Legislative Council" and it looks like it is repetitive but because the Senate receded we have to put it back in.

**Sen. Cook:** We have to be working on 0500 then because the 0600 is with our amendments so if these amendments you have are starting with we recede then we are at 0500.

**Chairman Kasper:** You are right, let's go to 0500. (See Attachment #1).  
Discussion on proposed on Amendment 0500 and further amending.

**Sen. Horne:** Can't the Veterans Affairs Commissioner do that now?

**Chairman Kasper:** It is at the request of the Commissioner that this type of language be put in because there are some road blocks being put up by some County Commissioners for him to be able to work directly with those Service Officers. There seems to be some turf war going on and this would simply be a



Legislative directive that he can do that. He should have the authority but sometimes they are just saying "No". So this would clarify that.

**Sen. Cook:** What do you mean by work with them? Are you giving him authority over them?

**Chairman Kasper:** When the Veterans Affairs Commissioner travels to the various areas or they come to a meeting it just is enabling them to work cooperatively together. No authority just to be able to discuss and plan and talk or whatever but not to take away the County Commissioners authority just to make it clear we want them to be able to talk. Continue with amendment.

**Rep. Nathe:** Is this in conflict with what Terry sent us? Or is this the same?

**Chairman Kasper:** What Terry Traynor had said is after August 1, 2011, where it had said where the County Veterans Service Officer shall comply he suggested that we add after the word "comply" within two years of appointment and everything else is the same. So that when the new County Service Officer is appointed they are giving him or her two years after the appointment to comply with the accreditation. Anybody have any objection to that? It just puts a timeline on it.

**Sen. Dever:** So if we were to insert the words "within two years of appointment" after the word "comply" that would be okay?

**Chairman Kasper:** What do you think Sen. Dever do you want to make that proposal?

**Sen. Dever:** That seems appropriate to me.

**Sen. Cook:** Read the whole sentence.

**Chairman Kasper:** "The County Veterans Service Officer shall comply with accreditation requirements established by the National Association of County Veterans Service Officers within two years of appointment except an individual serving as a County Veterans Service Officer on August 1, 2009 shall comply with the accreditation requirements by December 1, 2010. After August 1, 2011 a County Veterans Service Officer shall comply within two years of appointment with either the accreditation requirements established by the National Association of County Veterans Service Officers or requirements established by a recognized service organization or the Department of Veterans Affairs in compliance with requirements of the United States Department of Veterans Affairs."

**Sen. Dever:** It sounded to me like it is in there twice and we only need to have it in there once.

**Chairman Kasper:** There are different dates.

**Sen. Cook:** Mr. Chairman you read it in there twice and you should have only read it in there once and that should be in the Line 5 after August 1, 2011.

**Chairman Kasper:** I read what his amendment was to see how it would fit what was in front of us.

**Sen. Dever:** Actually, I think in his amendment the first two years appointment is included in the 0500 version so we might be okay. It is on Line 15.

**Chairman Kasper:** Yes, that is right because the words within the first two years of appointment stay in the bill.

**Sen. Dever:** Let's go back to Line 13 and read as it would read. Continue with amendment.

**Sen. Cook:** I want to focus my thoughts on this next biennium so I am going to do it on the first sentence. The way I read this then is if you are employed out there on August 1, 2009 which I assume is when this bill will become effective or this act will go into law. If you are employed at that time you must comply then with the National Association of County Veterans Service Officers by December 1, 2010. So that is the first thing it is saying if I read this right. If you are employed as of August 1, 2009 by December 1, 2010 you will be accredited by the County Officers. If you are hired after August 1, 2009 during this biennium you have two years to be accredited by that organization.

**Rep. Nathe:** After August 1, 2011 then you would have the two years.

**Sen. Cook:** No.

**Chairman Kasper:** It doesn't say hired it says "except an individual serving as a County Veterans Service Officer on August 1, 2009."

**Sen. Cook:** What is the difference serving or hired?

**Chairman Kasper:** But what that means is that he is an incumbent on August 1, 2009.

**Sen. Cook:** All Veterans Service Officers that are serving as of August 1, 2009 have until December 1, 2010 to become accredited by the National Association of County Veterans Service Officers and I don't have a problem with that. Then we have that condition in there where those who are not serving now so it could be somebody new that gains employment after August 1 and that is where we have this language must be certified by them within two years. This is my problem, we are saying this twice. We have within two years here and then we are also saying by August 1, 2010 which is why I don't believe we need this two years.

**Sen. Horne:** What if I am hired on January 1, 2011?

**Sen. Cook:** Let's just focus on this biennium and make sure we know what it is going to do this biennium before we go to 2011. If you read that, we are saying two things. If you read the whole language and urge you to read it again, that you have two years to do it if you are not now. But if you are serving by August

1, 2009 you have to be done by December 1, 2010. Now if I am reading that wrong let me know.

**Chairman Kasper:** I believe that you are reading it right. We are okay up to December 1, 2010 but we have a gap in here.

**Sen. Cook:** We are not okay we are still saying two requirements.

**Chairman Kasper:** Let's go back and read it then again up to that December 1, 2010 and see what we have. Starting on Line 13 of the bill starting with the word "County Veterans Service Officer shall comply with accreditation requirements established within two years of appointment" so what did I miss?

**Sen. Cook:** Then you read on to your amendments except now an individual serving as a County Veterans Service Officer on August 1, 2009 shall comply with the accreditation requirements by December 1, 2010. So if they are incumbent when this becomes law they have till December 1, 2010. They start working in September or whatever then they have two years.

**Chairman Kasper:** Now we go on to this after August 1, 2011 and why do we have the gap?

**Sen. Cook:** That gap is in 0600 too.

**Chairman Kasper:** Why wouldn't we say after August 1, 2010 a County Veterans Service Officer shall comply?

**Sen. Horne:** We probably should.

**Chairman Kasper:** We are talking about the people who are on board who are on-board on August 1, 2009 they have these rules so really we have to talk about anybody hired after August 1, 2009 because we are not addressing them at all. We are saying anybody on or before August 1, 2009 has to do certain things but what about those that come on board after August 1, 2009.

**Sen. Dever:** Then they are subject to the two year appointment.

**Rep. Nathe:** Isn't that how we get to August 2011?

**Sen. Cook:** Somebody subject after August 1 has two years they could start their service as a Veterans Service Officer in April of 2011 and according to this they would have two years.

**Sen. Dever:** But if they started in April there certification would have to come from the National Association of County Veterans Service Officers and if they started in August after that they could do it under the other provision.

**Sen. Cook:** I think that we are pretty close here but I question why the intent of that last sentence there that starts after August 1, 2011. That is what I question and I think if you just took that sentence out of there and simply maybe even sunseted this so that we reviewed it next session. We have accomplished our same goal.

**Chairman Kasper:** So you are saying just delete that whole sentence starting with August 1, 2011.

**Sen. Cook:** Yes.

**Sen. Horne:** If you do that you eliminate the three choices of accreditation and I am not sure that you want to do that because it is the heart of the amendment.

**Sen. Cook:** But prior to them ever having those other two options of being accredited we already have them all accredited on the other one.

**Chairman Kasper:** Here is the situation what if by December 1, 2010 there are still some who are not accredited?

**Sen. Horne:** Then they are gone.

**Sen. Dever:** I think that part of our thinking here needs to be the realization that the purpose of the appropriation and the reason that refers to the National Association of County Veterans Service Officers is that there is expected to bring them to the State to offer that training in that time frame and it seems to me that the language of what happens after that for their accreditation reflects that fact that they don't have that opportunity. It seems to me that we kind of need them both in there.

**Sen. Cook:** I start right at the beginning on Line 8 and what we are doing here is imposing a restriction on the County Commissioners in order to appoint and employ and pay. I would guess that after December 1, 2010 or at some point after two years of them employing a new Veterans Officer they do not meet the requirements of this section then they have no authority to employ or pay them.

Which is the whole gist or intent of the Legislation is to have more combined Veterans Service Officers and more combined counties and so they would need to reach out to another County Veterans Officer who does meet these qualifications to serve the Veterans in that particular county. Which is the direction that I think we need to move, personally.

**Sen. Dever:** Which is authorized by the second sentence in that section.

**Chairman Kasper:** Rep. Grande would you give us your thoughts at this point as we are deliberating this after August 1, 2011 and what we have said so far.

**Rep. Grande:** Sen. Cook I agree with you. I think that there is language that

Sen. Cook is thinking of deleting does open it back up to all those different areas and it actually undoes the first portion. Because what the idea is from what I understood is to get everybody on-board with the National Association of County Veterans Service Officers. If we don't and by giving them an out for all these other ones then we are going to have the rogue things start up again. We are trying to get rid of that and get all of them well-qualified so that everyone of our Veterans are served equally and represented properly. If we don't have all the direct information to those Veterans Officers they don't do the job well. I will go back to Mr. Otto's testimony that getting that type of training and being able to get on-line it gives them access to everything they need.



**Chairman Kasper:** My question is why do we have that gap up to August 1, 2011?

**Rep. Grande:** Until you guys started reading it slow like that I didn't catch that gap and I think that is where you are right and you have to get rid of that. You don't need that gap. If you go to your first line starting at Line 13, "The County Veterans Service Officers shall comply with accreditation requirements established by the NACVS Officers within two years of appointment." Boom, that is it, you get hired, you have two years to get this national accreditation. If you don't you are gone. Those that are already hired have until December of 2010 to get this done and that is where in your appropriation the \$20,000 we are going to give them that money.

**Chairman Kasper:** But then what do we do with the date August 1, 2011?

**Rep. Grande:** I would delete from the word after too affairs on Line 21.

**Sen. Cook:** I would too.

**Rep. Grande:** Strike that whole last sentence. You do not need it.

**Chairman Kasper:** That does not close the door for them to get the accreditation on-line. We are okay?

**Rep. Grande:** That actually opens the door for them to do it because you told them in the first line that you have two years to get yourself accredited.

**Sen. Cook:** One other thing that we need to consider then we need to go. Let's give some thought to changing December 1, 2010 to July 31, 2011.

**Chairman Kasper:** I am going to set another conference for tomorrow for an hour and then we will get this done. Close the Conference Committee hearing.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee Four HB 1057

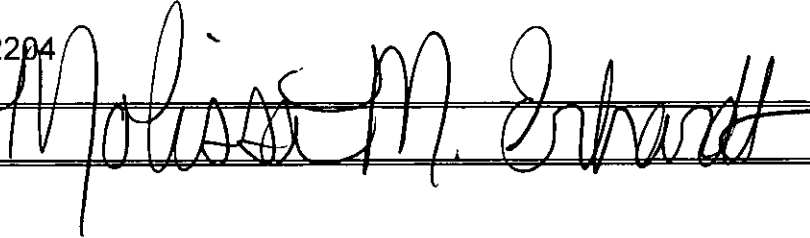
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 04/23/2009

Recorder Job Number: 12204

Committee Clerk Signature



Minutes:

### CONFERENCE COMMITTEE FOUR:

**Chairman Kasper:** We will open the Conference Committee hearing on HB 1057. Clerk will call the roll.

**Clerk Erhardt:** Roll Call. All present. Except Senator Robert Horne. Chairman Representative Jim Kasper. Representative Mike Nathe. Representative Bill Amerman. Senator Dick Dever. Senator Dwight Cook.

**Chairman Kasper:** We have a quorum. We will look at the amendment titled amendment number four. It was just printed off by our intern. Page 1, Line 4 was the same as what we talked about in our meeting a half hour ago and we are working off of the 05 Engrossed Bill. Page 1, Line 11 the same as our previous amendment the Veteran's Affairs Commissioner may work directly with the County Veteran's Service Officers and that is to give intent. Page 1, Line 14, replace the "must maintain" with "shall comply with" and after accreditation insert the required establishment or departments established and remove ND from it

all. So what we have then beginning on Line 13: "The County Veteran's Affairs Officer shall comply with accreditation by the National Association of County Veteran's Service Officers within two years of appointment except an individual serving as a County Veteran's Service Officer on August 1, 2009 shall comply with accreditation requirements by December 1, 2010." We struck that last sentence out. Then we go down to Line 23 on Page 1 and we insert the following after the period. A County Veteran's Service Officer may not serve as a conservator for an individual who is receiving benefits or services from the Department of Veteran's Affairs or the United States Veteran's Affairs except if the individual is the spouse or an immediate family member of the officer or unless the conservator is appointed by the county under Chapter 11-21 of the ND Century Code and which is the public administrator code. So we now allow that person if they are a public administrator to be a conservator. If they are appointed by the county under that chapter. Questions on that?

**Sen. Cook:** On that last sentence you just read, I am happy.

**Chairman Kasper:** On Page 2, Line 5, replace a "person" with an "individual who is" and after "department" add the following. Let me read what that would read. So starting on Line 4 it would read: "An employee of the Department of Veterans' Affairs may not serve as a conservator for a person receiving benefits or services from the department except if the individual is an immediate family

member of the employee unless the individual is hired by the county and appointed under Chapter 11-21 of the ND Century Code.

**Rep. Amerman:** I think it should be "or" because if you say "a person" it means replacing.

**Chairman Kasper:** Individual, that's right. So let's read it again. I think we have a word wrong in here. "An employee of the Department of Veterans' Affairs may not serve as a conservator for an individual who is receiving benefits or services from the department except if the individual is the spouse or an immediate family member of the employee" and I think the word "unless" should be "or" the individual is hired by the county and appointed under Chapter 11-21 of the ND Century Code. Should that "unless" not be "or" because it could be a spouse or an immediate member or there appointed hired by the county under the public administrator code?

**Rep. Nathe:** To stay consistent with the changes we made prior to Line 23 on Page 1 we could say "or unless the individual" ?

**Chairman Kasper:** We could add the word or in front of unless.

**Sen. Dever:** This provision is a little different than the other in that the employees of the Department of Veterans Affairs are State Employees and the reason that the situation in Grand Forks is just that they have combined two different roles into one person. So I don't know that the second one is

necessary. It is my understanding that the Department of Veterans Affairs has a policy that an employee may not serve as a conservator.

**Gene Koubas:** That is correct.

**Chairman Kasper:** We don't need to amend that part at all we just leave it as is. Is that correct?

**Sen. Dever:** Except that we are receding and then amending to include that other amendment.

**Chairman Kasper:** So you have to put it back in?

**Sen. Cook:** I think that you just take Section 2 out.

**Chairman Kasper:** Since it doesn't apply.

**Sen. Dever:** Maybe we don't need it in the code if it is in the policy.

**Chairman Kasper:** But because it is underlined in the bill, isn't that new language to the law?

**Sen. Dever:** It is. The question is whether they need to have it or whether we are happy with the policy.

**Tim Dawson, Legal Advisor, Legislative Council:** It is a policy decision whether you want it in Code and to be Law or you trust the policy that is in place and the policy won't change. Either way the practical effect in the real world should be nothing. But if you want to ensure the practical effect is nothing you should just leave it in.

**Chairman Kasper:** So then we have to add to the amendment because that was taken out because that was a Senate amendment that was put in. Correct? Instead of the amendment you wrote here we have to add the Language in 5 back in.

**Sen. Dever:** So then we wouldn't have the reference to the County?

**Chairman Kasper:** We are just going back to what the Senate did, the language in amendment 05.

**Sen. Cook:** Just make sure that it is there. I just want to go back to this first sentence that we just have been struggling with all along. Where we are requiring an accreditation within two years except for an individual serving as a County Veterans' Service Officer on August 1, 2009 shall comply with the requirements by 2010. That sentence right there and what if that sentence simply said that by August 1, 2011 all Veteran's Service Officers employed by the Counties shall comply with the accreditation of the National Association of County Veterans' Service Officers.

**Chairman Kasper:** Of 2011?

**Sen. Cook:** Two years from the effective date of this bill. It would get rid of the exception clause in there and it would be for everybody and those who are employed when this bill becomes law August 1 and those who become employed afterwards but within two years everyone in the State will have to comply. I think

that is what we are trying to get too and I think that is an easier way to get it but it will also allow us in the 2011 session if there are serious problems out there that we can correct it. But we are at the point right now and we are setting the bar here and it is high and you have until the end of this next biennium to comply with that bar and move forward in that direction.

**Chairman Kasper:** Comments from the rest of the committee on that thought?

**Rep. Amerman:** I like the longer period of 2011. I think that is a simpler and gives them more time to get used to the new rules.

**Rep. Nathe:** Gives them the 24 months versus the 16 months.

**Sen. Dever:** It would seem to me that anyone who is employed after August or whatever time frame they are, they have less than two years, they might have two months.

**Chairman Kasper:** I think the way Senator Cook is talking about that people who are employed on August 1, 2009 have until August 1, 2011 and anyone hired after August 1, 2009 would have two years.

**Sen. Cook:** I am saying that by August 1, 2011 everybody has it.

**Chairman Kasper:** Even if they are hired a month before, no exceptions?

**Rep. Nathe:** The existing employees would have two years to get up to speed and anybody new would more or less have to be accredited from the time they get on.



**Sen. Cook:** I don't think it takes two years to get accredited.

**Sen. Dever:** Could we ask Mr. Kouba for his insight?

**Gene Kouba, ND Department of Veterans' Affairs:** Next year's national training is in Minneapolis. This year is in San Diego. It is our goal in the department to have everybody that is not accredited to go down to Minneapolis to have the training. Plus we are trying to bring in the trainers in September of 2010 to Bismarck to do the ones that possibly can't go to the National Training in June in Minneapolis. So we have two chances next year to do this and I think that is good. The date of 2011 is very good we will have no problem with that.

**Sen. Dever:** Is it my understanding that after the training you and others will be qualified to provide the training that would lead to the accreditation?

**Gene Kouba:** Not to the level that they do. We train now but I am not accredited with NASCO because I am not authorized to do that. I go every year to get an upgrade in training from them and once I am accredited I go every year to the upgrading and there are three levels I believe in training with them. Like Lonnie is in the highest level now and I am in the second level. We go every year to move our training up also. The idea is to get the initial accreditation because they will learn so much they won't believe it.

**Rep. Amerman:** Once they get the National Accreditation of all the Service Officers apparently you cannot train them after that but once they have it do they have to go every so often to keep the accreditation?

**Gene Kouba:** I think what we do is bring them in every year and get the upgrade. I can't speak for my boss but I think it would be the logical thing to do. Once they are accredited it is to bring the trainers in annually to have the upgrade changes made. The first thing is to get them accredited because some of these guys that work four hours on a Monday are going to be blown away with the training. All of us who have taken the training and come back are just numb because it so well done and so informative that you actually feel better about doing your job. It is really great training and it is the best.

**Chairman Kasper:** How do you feel about giving them until 2011? You will have two trainings in 2010 so will some of them use that as an excuse not to do it in 2010?

**Gene Kouba:** They will still have another chance in 2011. I don't remember where it is in June of 2011 after Minneapolis. It is in Mississippi.

**Rep. Amerman:** What happens after 2011 and someone gets hired and how much time do they have? What happens if they are only hired and only have a month or two to get accredited?

**Gene Kouba:** I think that you should address that next session.

**Sen. Cook:** That is exactly what lead me to that thought is that we have this next session and you are going to have two levels for decisions that have to be made. You are going to have the County Commissioners that are going to have to make a very important decision here and you have current Veteran's Officers out there that are going to have to make a decision. I think what ultimately we want to do is make sure that we have highly qualified Veterans' Officers out there and the way we are really going to get to that goal is when County Commissioner's start saying we are going to start combining counties.

**Gene Kouba:** I fully agree.

**Sen. Cook:** We will be able to measure that next session and do whatever we have to do then.

**Gene Kouba:** I vote for that.

**Rep. Grande:** Mr. Kouba you said we hoped to send all the County Veterans Service Officers, who is the "we"?

**Gene Kouba:** I work with Commissioner Wangen and he and I have talked and I told him we have to make a big push. We were supposed to have our conference this month but it got flooded out. So we are having a week conference right now in September and we will make a presentation that is going to tell them that the law has changed and you have to be accredited. You have until August of 2011 and we have two training sessions next year and one in

Mississippi in 2011 and you have to go to one of these. You have to either come to Bismarck, which most of them will do I am sure, or you have to go to Minneapolis or you have to go to Mississippi. My boss and I have talked about going around and visiting all these commissioners.

**Sen. Cook:** The Association of Counties has got a role here too, to play, and they do that to, if you go to their meetings it will be a topic item that is going to be discussed.

**Gene Kouba:** What I like is the August of 2011.

**Chairman Kasper:** How is the amendment going to read Sen. Cook?

**Sen. Cook:** That by August 1, 2011 all Veterans' County Service Officers shall be accredited by the National Association of County Veterans' Service Officers. That would be in the form of a motion.

**Rep. Nathe:** 2<sup>nd</sup>.

**Sen. Dever:** Is that a motion to the amendments or is that a motion on the amendments?

**Chairman Kasper:** Motion to amend wherever it is appropriate in Amendment 05? Then we will have to have one more meeting unless we get to the point where we circulate the amendment as completed and everybody is happy with it.

**Sen. Dever:** I am going to still have a question about the conservator thing?

**Chairman Kasper:** Let's act on this amendment first. We have a motion and a second. Any discussion? All in favor of the amendment proposed by Sen. Cook say I? Consent all. I. Motion carries.

**Sen. Dever:** I would like to ask Tim about the public administrator thing. I have two copies of the chapter and what I am curious about is that it says that: "Public administrators shall receive the same compensation for services as is allowed by law to executors, administrators, guardians, and conservators unless the court for special reasons allows a higher compensation." Is that how they get paid for their services? Do you know or do they receive a salary? The issue that we are dealing with is in Grand Forks where the County Veteran Service Officer is also the County Public Administrator?

**Tim Dawson, Legal Advisor, Legislative Council:** I am looking right here at the conservators section of the uniform probate code and it says that: "An estate is derived (can't understand) for money paid or being paid to the Veterans Administration or to the Conservator or the Conservator's predecessor for the benefit of the protected person the compensation allowed from such money to the conservator shall be limited to 5% of the amount proceed from the agency during the period covered by the account." This is a court proceeding in which a person is appointed to be conservator. The court appoints the compensation and

as I am looking at this section right here if they get any money from the Veteran's Administration it is limited to 5% of the amount of the money.

**Sen. Dever:** What I read from was 11- 21-08.

**Tim Dawson:** I haven't read 11-21-08 but what you said there is they get reimbursed as the court determines based upon how other people are reimbursed and so if other people are reimbursed under 30.1-29-14 and that talks about compensation and expenses of the conservator and in that section I am seeing that if they get any money from the Veterans Administration it is limited to 5% of the amount of the money you receive from the agency.

**Sen. Dever:** This I think is referring to their estate? I have two copies here if you want one. I am just wondering if we are setting up a conflict. By them advocating on behalf of the Veteran and then continuing them as a conservator?

**Tim Dawson:** It says that they can receive compensation as allowed by law unless higher compensation is set by the court. As allowed by law is 30.1-29-14 which says that if they get any money from the Veterans Administration, which I would guess all these people would, but it is limited to 5% of what they get from the agency.

**Chairman Kasper:** As there fee for conservator? Which is not a whole lot but it is something for their time.

**Tim Dawson:** Exactly.

**Sen. Dever:** That is the compensation from the Veterans' Administration.

**Chairman Kasper:** No, it is the compensation from their conservatorship duties they are limited to 5% of what the Veterans' Affairs is paid. Correct?

**Tim Dawson:** That is what it seems to read to me on the first reading here.

**Chairman Kasper:** So if the Veterans' Affairs would receive a \$100 a month the person doing the work would get 5% of that or \$5 a month.

**Sen. Dever:** If the person has a \$1 million estate and they die and no one contests it then they get it?

**Tim Dawson:** No, you can have the estate while you are alive and that is when I read the word estate there that is yours while you are alive. It doesn't mean that you are dead. Because when you are dead this doesn't apply. A conservator is for a person to protect their property and their property equals estate.

**Chairman Kasper:** We are dealing with living people not deceased people.

**Tim Dawson:** It is in the Uniform Probate Code which that is where the confusion is coming from. It does have sections regarding guardianship and conservatorship, general provisions that apply.

**Sen. Dever:** You don't see a conflict then.

**Tim Dawson:** No. I don't see a conflict between statutes. Whether there is a conflict of interest I have yet to see it. Maybe if you explained it to me.

**Gene Kouba:** Having been in the past a conservator and a guardian for Veterans I will tell you what they do. The Veterans Administration appoints a conservator if they have a Veteran who can't handle his money and he has a lot of debt and they have field reps that actually come out and appoint you as a conservator where you sign the forms so they can send the VA check to you. You will get 4% at that time with what the Veteran gets. After a period of time if you want to be the guardian for that individual you have to go to court and then you get your 5%. This is also for the VA income and the Social Security income. Because most of them get both. But the initial appointment is done by the Veterans Administration. Until you become a full-fledged guardian and then you get a checklist you are responsible for, living spaces, Drs. Appts, and stuff like that and then you get 5% once it has gone to the court. It includes both Social Security and Veterans Administration check.

**Chairman Kasper:** So you are comfortable with the language we have here?

**Gene Kouba:** I don't have a problem with that at all.

**Chairman Kasper:** Now committee members we have the bill as amended and re-amended before us, and I think we understand what we need to do with the amendments, but what I want to do is have the clerk type the amendments as we have discussed and circulate them to everybody and if anybody disagrees with the amendment that I circulate that was not what we had done we will have



another conference committee. Otherwise I would like us to adopt the amendments and move forward and get this committee done. Do we have a motion?

**Sen. Dever:** I amended the amendment once and I think the only further amendment is to remove the language regarding the Department of Veterans Affairs conservator?

**Chairman Kasper:** Well we are amending this amendment and we haven't seen it and all I am saying is that I want to circulate the amendment as I believe we have agreed to but I want a motion to amend and accept the amendment first.

**Sen. Cook:** I would be willing to do that but I don't think it is any more difficult if we do what you are saying you want to do. We all sign off and once we all sign off and that means the only order of business is for us to sit down here and make a motion and second and resolve. I'd be happy to do it that way. Let's do all the word-smithing and make sure it is correct.

**Chairman Kasper:** Then we will adjourn the committee and we will re-meet.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee Three HB 1057

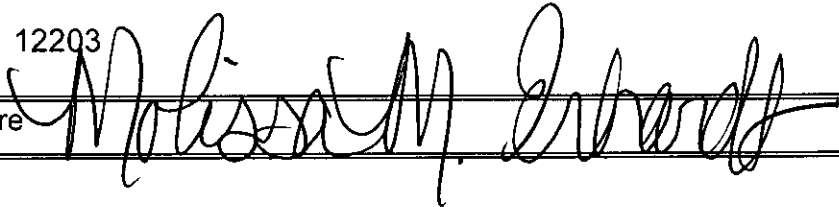
House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: 04/24/2009

Recorder Job Number: 12203

Committee Clerk Signature



Minutes:

### CONFERENCE COMMITTEE THREE:

**Chairman Kasper:** We will open the Conference Committee hearing on HB 1057. Clerk will call the roll.

**Clerk Erhardt:** Roll Call. Chairman Representative Jim Kasper. Representative Mike Nathe. Representative Bill Amerman. Senator Dick Dever. Senator Dwight Cook. Senator Robert Horne.

**Chairman Kasper:** We will start by referring to or discussing the amendment that I had placed on all of your desks yesterday which was highlighted and color-coded. Sen. Dever did you get this?

**Sen. Dever:** Yes I did.

**Chairman Kasper:** If we would look at the amendment before us and it does not have a number on it but it says we would be dealing with .05 bill itself which was the version that the House passed over to the Senate because we would call for

the Senate to recede from its amendments and we would further amend. Again I will just walk through it. See Attachment # 1.

**Sen. Horne:** To be clear then if I am appointed after August 1 as a Veterans Service Affairs Officer I would have three ways to become accredited as stated here.

**Chairman Kasper:** That language was suggested because they are looking for online ways for accreditation as well as the classroom accreditation so we are encompassing those areas of potential accreditation and not limiting them. Any other questions on that part of the amendment?

**Rep. Amerman:** Just so I can get it clear in my mind the standing Service Officers that we have now would have to be accredited under the National Association and anybody after that August 2009 would have to do the three different ways.

**Sen. Dever:** Actually, Mr. Chairman, it says shall comply with those accreditation requirements doesn't necessarily mean they are accredited.

**Chairman Kasper:** We could certainly change that to "must become accredited with."

**Sen. Dever:** I am not certain they will have a problem with that.

**Chairman Kasper:** "Comply with" means you are accredited and that is our intent.

**Sen. Dever:** Or “eligible for accreditation”?

**Chairman Kasper:** We could certainly say “shall become accredited with” instead of “shall comply” we could certainly say “shall become accredited with or by?” Any comments from the committee on that?

**Sen. Dever:** I guess I am really indifferent.

**Chairman Kasper:** It says “shall comply” with accreditation it is self evident that you have to be accredited.

**Sen. Cook:** Let the minutes show what our intent is and I think we will be fine.

**Chairman Kasper:** Continue with amendment.

**Sen. Cook:** We are using the word individual in that statement three times and I think that the first two times that we use it the individual who serves for an individual except if the individual is the spouse and then when we get to the last word unless the individual is hired and in that case we are talking about the person who can serve as the conservator.

**Sen. Horne:** The Service Officer.

**Sen. Cook:** Isn't that confusing?

**Sen. Horne:** That last “individual” is in appropriate.

**Sen. Cook:** I'd say unless the conservator is hired by the county and reserves no fees.

**Chairman Kasper:** That would be much better I think.

**Sen. Horne:** What would the situation be where the county would hire a Service Officer to do this?

**Chairman Kasper:** Where that would occur and it does occur and is where the Veteran has no family members, maybe has a family member but they are way far away or are not involved with the Veteran and they have nobody that the Veteran can count on or they have some mental incapacities or aging incapacities or both. They need someone to help manage that persons financial affairs and other affairs and so in that case we have been told wants to have the County Veterans Officer be able to do so but we don't want that to be taken advantage of.

**Rep. Nathe:** Another example would be, as I see it in my business as a funeral director a lot of times, a Veteran may pass away who has had a relationship with a Veterans Service Officer and cannot find any family and nobody will take responsibility for ones funeral arrangements. The Service Officer has been the closest person to them and so they can be appointed and sign for the papers and do the final disposition.

**Sen. Horne:** Let's say that this is a desirable arrangement but the County doesn't have the money or want to pay for it can the Service Officer volunteer to do this or must he/she be paid.

**Chairman Kasper:** Unless the conservator is hired by the County. The hiring could be for one dollar. The County could determine what the hiring fee would be. We are not stipulating what a hired amount should be it would probably be better to have them go on record that that person has been hired or appointed so that it becomes more formal.

**Sen. Horne:** I agree.

**Sen. Dever:** It seems to me that the situation in Grand Forks is in that the County Veterans Service Officer also has a dual role as the County Public Administrator. Which might be different than what we are talking about but if that is what we want to do it also seems to me then maybe the language should be "hired by the County for that purpose" because a County Veterans Service Officer is hired by the County.

**Chairman Kasper:** What you are saying is more or less the Conservator is hired by the County for that purpose. To add the word "for that purpose" ?

**Rep. Nathe:** How about appointed?

**Sen. Dever:** Or appointed as a County Public Administrator if we want to narrow it to that situation?

**Chairman Kasper:** How would your language read Sen. Dever?

**Sen. Dever:** Unless the conservator is appointed by the County as Public Administrator they will receive no fees from the Veteran.

**Chairman Kasper:** But they would be a Conservator or could be a Conservator?

**Sen. Dever:** But that is their role as a Public Administrator.

**Chairman Kasper:** To be the Conservator?

**Sen. Dever:** That is my understanding with the information that Terry Traynor had emailed to us.

**Chairman Kasper:** Is that all a Public Administrator is is a Conservator or do they have other duties? They would not be very busy if that is all that they did.

**Sen. Dever:** He had emailed us Chapter 11-21, the Public Administrator and included in that the duties and powers. A public administrator shall be ex-officio public special administrator, guardian and conservator in and for the County and shall take into the administrator's charge, without application to any appropriate court or special appointment, the estates of all deceased persons, and the persons and estates of all minors, and the estates or persons and estates of all incapacitated persons in the following cases and then it lists nine different circumstances.

**Sen. Cook:** I think that all we need to do then after looking over Sen. Dever's shoulder, that Section of Code is 11-21.05, or maybe you just reference Chapter 11-21 where you go more or less and accept and then somehow give reference to Chapter 11-21.

**Sen. Dever:** You could say hired by the County pursuant to Chapter 11-21.

**Sen. Cook:** Legislative Council would know how to do that and they could word-smith that to you. If that is what you want to do is just fix this Grand Forks situation and there maybe another County or two or is that not what you are trying to do with that?

**Chairman Kasper:** I think that what we are trying to say here is that if this person is appointed then they receive no fees from the Veteran because they are getting paid some other place. But on the other hand the Conservator could be someone other than the Public Affairs person as well, couldn't that occur?

**Sen. Cook:** Then maybe you just have to go to the very beginning of the sentence and put notwithstanding the conflict with Chapter 11-21, a County Veterans Service Officer may not serve as a Conservator and then finish it with the sentence you have there where we change individual to Conservator and then we might get both.

**Chairman Kasper:** How would the beginning sentence read then?

**Sen. Cook:** I am not sure, I am not the word-smither here and whoever drafted these for you in Legislative Council would know how to do it if we pointed out this Chapter and we did not want to conflict with that. What I think they would say is: "Notwithstanding, Chapter 11-21 and so on."

**Chairman Kasper:** But are we conflicting with that Chapter?



**Sen. Cook:** I think that was the whole problem is that we were. From the testimony we received that if we had this language in the bill that it would affect this County Veterans Officer who also serves in one County and maybe more as a Public Administrator where we are saying a County Veterans Service Officer cannot be a Conservator and as their role as Public Administrator they can be and that is one of their duties is to be a Conservator so we are conflicting with it in that condition.

**Chairman Kasper:** So what we want to say is if a person falls under that Chapter they can do this.

**Sen. Cook:** Yes, that is what I am trying to get at. Unless the individual also assumes duties under Chapter 11-21, there you go.

**Sen. Dever:** To further complicate things in here where it says compensation of a Public Administrator it says: "The Public Administrator shall receive the same compensation for services as is allowed by law to executors, administrators, guardians, and conservators unless the court for special reasons allows a higher compensation." That compensation as I understand comes from the estate.

**Chairman Kasper:** But aren't we covering that when we are saying unless a Conservator is hired by the County. Of course then we say and receives no fees.

**Sen. Dever:** But the County says that the way they are compensated is by serving as the same as if they were **Executor**.

**Chairman Kasper:** What if we just strike the words receives no fees from the sentence.

**Sen. Dever:** What if we call someone in Legislative Council and say how should we do this?

**Sen. Horne:** I think it is time to get in touch with Legislative Council and sit down with the person who helped draft this and explain what we are trying to do and get the right wording and the right phrasing.

**Chairman Kasper:** Rep. Grande has these drafted so I am not sure who did it.

**Sen. Dever:** I think it was Tim Dawson.

**Chairman Kasper:** Rep. Grande we are hung up on trying to exempt the Grand Forks situation because of the Public Administrators position. Under the Public Administrators position they do receive fees for handling affairs of guardianship and our amendment says that "Unless the Conservator is hired by the County and receives no fees from the Veteran". If the Public Administrator's job is to receive fees for Conservatorship but we are saying that they can't receive fees because they have a dual role and the Veterans Service Officer and the Public Administrator. We don't want to stop that we want to make it legal and constrain it a little bit.

**Rep. Grande:** I am wondering about when you say no fees from the Veteran. I was referring more to the back pocket type of thing. If it is a salaried position I

think that is a different thing and absolutely we don't want to stop them from being paid their salary. But not one where they would have to receive a special payment on the side was more of the issue I think to keep it in the legal thing.

**Sen. Cook:** Bette, who drafted these?

**Rep. Grande:** I think that Jason, the intern, and Tim Dawson did.

**Sen. Cook:** I think that Section that Sen. Dever has here that deals with the Public Administrator's, Chapter 11-21, and somehow I think all we need to do is reference that Chapter excluding what is in there. I don't know how to do that.

**Sen. Dever:** One of the further complicating things is the Public Administrators are compensated as executors, administrators, guardians, and conservators so it does come from the Veteran.

**Chairman Kasper:** Are they compensated by the Veteran or by the County of the Veteran?

**Sen. Dever:** From the estate.

**Rep. Grande:** The question is it okay for them to be Conservator when they have two separate roles? Does that make it okay? Maybe we don't want to allow them to do it?

**Chairman Kasper:** There is no one else to do it. I think we need to allow them to do it. I just think that it needs to be a disclosure at an arm's length situation.

**Sen. Cook:** I assume every County has a Public Administrator. If we just say that the Veterans Service Officer can't do it then the other choice is the Public Administrator.

**Chairman Kasper:** Except that the Veterans Service Officer is also the Public Administrator.

**Sen. Cook:** Then we make the exception under Chapter 11-21.

**Chairman Kasper:** What we want to do is if there is a Veterans Service Officer who is also Public Administrator we want them to be able to be the Conservator.

**Sen. Cook:** I think that we are fairly close except for the wording that we need to do here but I just have this last question yet and again I go back to this other condition for those Veterans Officers who are hired after August 1, 2009. They have three options to get accreditation but those who are there only have one. What is the wisdom of that? The other two options that are there I think are going to be easier to obtain probably and if I remember from the testimony they are going to be short some of the skills that they need to be able to communicate through all of the other service organizations. Is that not what I heard? I am not saying I am against it but I need to know what is the justification for it?

**Sen. Dever:** I am not sure about justification but the rationale is just that they have the opportunity being presented to them.

**Chairman Kasper:** I think if I recall the testimony that these other entities are being to work toward merging and working with each other and they are maybe sort of similar now but not the same. Because we don't know who is going to be emerge as the prime one I think. But it was to give the option and come back in two years and see where we are at. This is something that definitely has to be looked at again.

**Sen. Cook:** It says after August 1, 2009 so if what we are trying to do is set the bar up here so that Veterans get that type of service, it seems to me that we are setting the bar up here but those who are going to be employed after we do this because we have some that leave because they say we are not going to go for this bar. Then we have a lower bar.

**Rep. Grande:** I thought you were taking out all that language of the three options.

**Sen. Cook:** That is what I am getting at.

**Chairman Kasper:** Then we would say: "Except an individual serving as a County Veterans Service Officer on or after August 1, 2009." So we have a gap that if anyone is hired after August 1, 2009 we say nothing if we don't have the last sentence.

**Sen. Cook:** We are saying that ahead of time. We are saying all of those will be done in two years and then the exception is to those who are employed by

August 1, 2009. They will be done by December 1, 2010. The law is going to say you have to do this within two years.

**Chairman Kasper:** Then you are saying we would have a period after County Veterans Service Officers in that sentence.

**Sen. Cook:** We would have a period after December 1, 2010 and then the next sentence, that whole complete sentence, would be deleted.

**Chairman Kasper:** Okay, but then what do we do with the County Veterans Service Officer hired after August 1, 2009.

**Sen. Cook:** They have two years.

**Chairman Kasper:** No they don't.

**Sen. Cook:** Yes, they do.

**Chairman Kasper:** Except an individual serving as a County Veterans Service Officer on August 1, 2009.

**Sen. Cook:** Go before that. Start reading that sentence that ends with the except. That is where we are saying in the law that they must do this within two years.

**Chairman Kasper:** If we get rid of that whole last sentence and we do what we want it to do then that is certainly fine with me.

**Sen. Cook:** I think it is just the wording.

**Sen. Horne:** The reason Sen. Cook is accurate is because if you are employed now you have to comply within two years of the National Association of County Veterans Service Officers program and if you keep this after that you have three choices which would indeed weaken the level of certification or the quality of it. If we want to eliminate that we do what Senator Cook suggested and that would provide the strongest level of certification I think. I don't know if the Service Officers are going to like that but that would certainly accomplish the strongest level of certification.

**Chairman Kasper:** We are going to strike the last sentence in that paragraph.

Does everyone agree with that?

**Rep. Amerman:** I don't know if I can agree with it but like Sen. Horne said it will establish the strongest certification. It will get rid of some Veterans Service Officers out in the small areas that do a good job and could get accredited through the other areas that you do have in there now. But I am not so sure that I will support what we are talking about here now.

**Rep. Grande:** In the end of the bill it talks about an appropriation and that appropriation is to get them certified if they want to be certified.

**Chairman Kasper:** Conference Committee hearing adjourned and we will re-meet at 11 am.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee Five HB 1057

House Government and Veterans Affairs Committee

☒ Check here for Conference Committee

Hearing Date: 04/27/2009

Recorder Job Number: 12277

Committee Clerk Signature

*Melissa M. Erhardt*

Minutes:

### CONFERENCE COMMITTEE FIVE:

**Chairman Kasper:** We will open the Conference Committee on HB 1057.

Clerk will call the roll.

**Clerk Erhardt:** Roll Call. All present. Chairman Representative Jim Kasper.

Representative Mike Nathe. Representative Bill Amerman. Senator Dick Dever.

Senator Dwight Cook. Senator Robert Horne.

**Chairman Kasper:** We have a quorum. Committee I passed out the amendment that we discussed last Friday and had it prepared by Legislative Council. I think it does what we talked about and I will give you moment to review and we will walk through it. Does the committee have any questions on the amendment?

**Sen. Dever:** Without comparing it to the bill Mr. Chairman it appears to be true.

**Sen. Horne:** I was not here at 11 am on Friday so apparently we decided to forgo the three options and require the Veterans Service Officers to be



accredited through the National Association of County Veterans Services Officers?

**Chairman Kasper:** We talked about the three options and the discussion sort of centered on "Well, let's see what is going to happen with the one accreditation in the next two years." We are going to get that report and we are going to see who did do the accreditation and who didn't and what the problem's are and so on. We have some funding in to help that get paid for. With the idea that in two years we are going to look at this and then if we need to take action to add something we will discuss what we will do. We just decided to stay with the accreditation that we have in the bill right now. Any other comments?

**Sen. Cook:** Do we need to move these or have we?

**Chairman Kasper:** No, we need to.

**Sen. Cook:** I make a motion to move the amendments 0502, where the Senate recede and that we further amend.

**Sen. Horne:** 2<sup>nd</sup>.

**Chairman Kasper:** We have a motion by Sen. Cook and a 2<sup>nd</sup> by Sen. Horne. Any discussion on the motion?

**Rep. Amerman:** What I was wondering from one of the gentlemen that was here in the discussion at 11 o'clock within these two years there are two places that the Veterans Service Officers had to go and one was Mississippi and one

was Minneapolis. But it sounds like they have to go to one of those two and I was just wondering about the expense is the appropriation for that or would the counties have to pay for their room and board or something for some of these Veterans Service Officers?

**Chairman Kasper:** Generally speaking the county does pick up these expenses and the appropriation I think is to provide for the schooling. Rep. Grande who handles that money, the Veterans Service Office will handle those appropriated funds?

**Rep. Grande:** The Veterans Affairs Commissioners office will handle that.

**Chairman Kasper:** If they wish to have scholarships or help to defray expenses would that be in their prerogative to do so?

**Rep. Grande:** I would think so since the discussion has been that it will cost about \$10,000 to get them here and do the training. The discussion from Mr. Kouba, he works in that office, was that yes they would hope that everybody would go to Minneapolis but obviously it could be difficult for everybody. So they planned to do one in-state and if they can't do that then the third option would be to go to Mississippi.

**Sen. Cook:** The total FTE's we have at the county and of course some of them work one-tenth of the time and some of them are full-time and some of them are half-time. The total is 35 FTE's. Of course that is driven by County Commission

decision and I would think Rep. Amerman that if you are a County out there and you have a Veterans Service Officer that is working a quarter of the time or maybe a tenth of the time in that capacity then you are going to way some decisions as to whether or not you want to train that individual or your other option of course is to look at a County Veterans Officer in an adjoining County. Those are the decisions and the conversations that we need to have the County Commissioners take and that is the beauty I think of this bill it will generate those conversations.

**Rep. Amerman:** I agree but it is kind of one of the concerns that I have that is exactly what might happen. I still have a feeling that our new commissioner from an email I got can set up a very good program and along with the other guidelines that the federal office has and I will be anxious to see whether it is good or bad. Some of the part-time Veterans' Service Officers in the smaller communities do a very good function and they certainly help the Veterans there although they probably don't have the accreditation. Probably the Commissioners are not going to send them because they are not going to feel it is going to be worthwhile. Are we going to be down to 14 Veterans Service Officers across the whole state and I am not sure that is the way it should be.

**Chairman Kasper:** I think that our focus with this bill is that fact that a lot of our counties are not providing the Veterans' the services they should have. By one

way or the other we need to get them to that point. If we need to do a combination or train their own that is what we are moving toward. We have heard testimony that there is problem millions and millions of dollars of Veterans benefits that are not being procured for ND Veterans because the staff or Veterans' Officers are not equipped or not trained and it is time we got it done.

**Rep. Amerman:** I agree but we are setting it right away at the highest bar and I am not so sure that is a good thing. I like the three different ways and then see how that would work in two years because once you set the bar so high I feel in the two years that are coming you are going to lose some, where maybe in the interim with the other options we would not.

**Chairman Kasper:** My thought is that maybe we need to lose some in the next two years if they are not doing their job the way they are supposed to.

**Sen. Dever:** I think an important part of the amendment is the reports to Legislative Council which will likely bring about another look at it during the next session. Then I think we can look at other options.

**Chairman Kasper:** That is the intent, to put a little pressure on and find out what happens and if we need to take action in the next session then do so.

**Sen. Dever:** Then if there are valid reasons why they haven't satisfied that then we can look at alternatives and that might be one of the benefits of us now

having moved the date to August 1, 2011.

**Chairman Kasper:** Any other discussion? If not the clerk will call the roll Do  
Pass on amendment number 90022.0502 where the Senate recedes and we  
further amend.

**Clerk Erhardt:** Roll Call: Yes: 5. No: 1. Absent: 0. Carrier: Chairman Rep. Jim  
Kasper.

**Chairman Kasper:** We have an amended bill before us and the motion passes  
5 to 1. We will adjourn the committee.

# REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

Bill Number HB 1057 (, as (re)engrossed):

Date: 4/21/09

Your Conference Committee GVA

For the Senate:

For the House:

Roll Call

Roll Call

|                    | YES / NO |                  | YES / NO |
|--------------------|----------|------------------|----------|
| ✓ Chair Dick DEVER |          | Chair Tim KASPER |          |
| ✓ DWIGHT COOK      |          | MIKE NATHE       |          |
| ✓ ROBERT HORTZ     |          | BILL AMERMAN     |          |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ -- \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

|                                   |                |
|-----------------------------------|----------------|
| LC NO. _____                      | of amendment   |
| LC NO. _____                      | of engrossment |
| Emergency clause added or deleted |                |
| Statement of purpose of amendment |                |

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB 1259 (, as (re)engrossed):

Date: 4/23/09

Your Conference Committee GVA

For the Senate:

For the House:

YES / NO

YES / NO

|   |                          |                          |  |                          |                          |
|---|--------------------------|--------------------------|--|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Chair Sen. Dick DeVos | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Chair. Rep. Jim Rasper | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sen. Dwight Cook      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Rep. Mike Nathe        | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Sen. Robert Hoane     | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> Rep. Bill Amerman      | <input type="checkbox"/> | <input type="checkbox"/> |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

|   |                      |
|---|----------------------|
| LC NO. _____                            | of amendment _____   |
| LC NO. _____                            | of engrossment _____ |
| Emergency clause added or deleted _____ |                      |
| Statement of purpose of amendment _____ |                      |

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

April 23, 2009  
Amendments proposed by Representative Kasper

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057

That the Senate recede from its amendments as printed on page 1045 of the House Journal and page 774 of the Senate Journal and that House Bill No. 1057 be further amended as follows:

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 11, after the first period, insert "The veterans' affairs commissioner may work directly with county veterans' service officers."

Page 1, line 14, replace "must maintain" with "shall comply with", after "accreditation" insert "requirements established", and remove "North Dakota department of"

Page 1, line 15, replace "veterans' affairs" with "national association of county veterans' service officers" and after "appointment" insert ", except an individual serving as a county veterans' service officer on August 1, 2009, shall comply with the accreditation requirements by December 1, 2010 (July 31, 2011). A county veterans' service officer who is appointed after August 1, 2009 shall comply with either the accreditation requirements established by the national association of county veterans' service officers or requirements established by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans' affairs within two years of appointment."

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the individual is the spouse or an immediate family member of the officer, or unless the individual is hired by the county and receives no fees from the veteran."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee, unless the individual is hired by the county and receives no fees from the veteran."

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."



**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB 1059, as (re)engrossed):

Date: 4/24/09-10AM

Your Conference Committee GVA

| RC For the Senate:                  |                   | YES / NO |  | For the House:                      |                       | YES / NO RC |  |
|-------------------------------------|-------------------|----------|--|-------------------------------------|-----------------------|-------------|--|
| <input checked="" type="checkbox"/> | Chair             |          |  | <input checked="" type="checkbox"/> | Chair Rep. Jim Kasper |             |  |
| <input checked="" type="checkbox"/> | SEN. Dick DEVER   |          |  | <input checked="" type="checkbox"/> | Rep. Mike NATHE       |             |  |
| <input checked="" type="checkbox"/> | SEN. DWIGHT COOK  |          |  | <input checked="" type="checkbox"/> | Rep. Bill AMERMAN     |             |  |
| <input checked="" type="checkbox"/> | SEN. ROBERT HORNE |          |  | <input checked="" type="checkbox"/> |                       |             |  |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

|                                   |                |
|-----------------------------------|----------------|
| LC NO.                            | of amendment   |
| LC NO.                            | of engrossment |
| Emergency clause added or deleted |                |
| Statement of purpose of amendment |                |

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

Attach #1  
11AM

April 24, 2009  
Amendments proposed by Representative Kasper  
~~Amendment #4~~

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057

That the Senate recede from its amendments as printed on page 1045 of the House Journal and page 774 of the Senate Journal and that House Bill No. 1057 be further amended as follows:

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 11, after the first period, insert "The veterans' affairs commissioner may work directly with county veterans' service officers."

Page 1, line 14, replace "must maintain" with "shall comply with", after "accreditation" insert "requirements established", and remove "North Dakota department of"

Page 1, line 15, replace "veterans' affairs" with "national association of county veterans' service officers" and after "appointment" insert ", except an individual serving as a county veterans' service officer on August 1, 2009, shall comply with the accreditation requirements by December 1, 2010."

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the individual is the spouse or an immediate family member of the officer, or unless the conservator is appointed by the county under chapter 11-21 of the North Dakota century code."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee, unless the individual is hired by the county and appointed under chapter 11-21 of the North Dakota century code."

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB 1059 (, as (re)engrossed):

Date: 4/24/09 - 11AM

Your Conference Committee GVA

**For the Senate:**

**For the House:**

YES / NO

YES / NO

|   |                          |                          |                       |                          |                          |
|---|--------------------------|--------------------------|-----------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> CHAIR SEN. DICK DEVER | <input type="checkbox"/> | <input type="checkbox"/> | CHAIR REP. JIM KASPER | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> SEN. DWIGHT COOK      | <input type="checkbox"/> | <input type="checkbox"/> | REP. MIKE NATHE       | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> SEN. ROBERT HORNE     | <input type="checkbox"/> | <input type="checkbox"/> | REP. BILL AMERMAN     | <input type="checkbox"/> | <input type="checkbox"/> |

ABSENT

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_, and place HB 1059 on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

(Re)Engrossed \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

|   |                      |
|---|----------------------|
| LC NO. _____                            | of amendment _____   |
| LC NO. _____                            | of engrossment _____ |
| Emergency clause added or deleted _____ |                      |
| Statement of purpose of amendment _____ |                      |

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

OTE COUNT        YES        NO        ABSENT

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057

That the Senate recede from its amendments as printed on page 1045 of the House Journal and page 774 of the Senate Journal and that Reengrossed House Bill No. 1057 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 11, after the first period insert "The veterans' affairs commissioner may work directly with county veterans' service officers."

Page 1, line 13, replace "The county" with "By August 1, 2011, all county veterans' service officers must be accredited by the national association of county veterans' service officers."

Page 1, remove line 14

Page 1, line 15, remove "veterans' affairs within two years of appointment."

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans' affairs, except if the individual is the spouse or an immediate family member of the officer, or unless the conservator is appointed by the county under chapter 11-21."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports to the legislative council by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB1057 (, as (re)engrossed):

Date: 4/27/09

Your Conference Committee GVA

*Roll Call*

**For the Senate:**

**For the House:**

|                                     |                       | YES / NO                            |  |                                     |                       | YES / NO                            |  |
|-------------------------------------|-----------------------|-------------------------------------|--|-------------------------------------|-----------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | CHAIR SEN. DICK DEVER | <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | CHAIR REP. JIM KASPER | <input checked="" type="checkbox"/> |  |
| <input checked="" type="checkbox"/> | SEN. DWIGHT COOK      | <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | REP. MIKE NATHE       | <input checked="" type="checkbox"/> |  |
| <input checked="" type="checkbox"/> | SEN. ROBERT HORNE     | <input checked="" type="checkbox"/> |  | <input checked="" type="checkbox"/> | REP. BILL AMERMAN     | <input checked="" type="checkbox"/> |  |

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1045-

      , and place        on the Seventh order.

☒ adopt (further) amendments as follows, and place HB1057 on the Seventh order:

      , having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

(Re)Engrossed HB1057 was placed on the Seventh order of business on the calendar.

DATE: 4/27/09  
CARRIER: Chairman Jim Kasper

|                                   |                              |
|-----------------------------------|------------------------------|
| LC NO. <u>90022</u>               | of amendment <u>0502</u>     |
| LC NO. <u>      </u>              | of engrossment <u>      </u> |
| Emergency clause added or deleted |                              |
| Statement of purpose of amendment |                              |

MOTION MADE BY: Sen. Dwight Cook

SECONDED BY: Sen. Robert Horne

OTE COUNT 5 YES 1 NO 0 ABSENT

2009 TESTIMONY

HB 1057

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1057

Page 1, line 1, remove "four new sections to chapter 37-15 and"

Page 1, line 2, remove "governance of the veterans' home"

Page 1, line 3, remove the first "and", replace "sections" with "section", and remove the comma

Page 1, remove line 4

Page 1, line 5, remove "37-18.1-04" and remove the second comma

Page 1, remove line 6

Page 1, line 7, remove "the administrative committee on veterans' affairs"

Page 2, remove lines 3 through 29

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 27

Page 5, remove lines 4 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 8

Page 9, line 10, replace "shall" with "may" and after "use" insert "up to"

Renumber accordingly

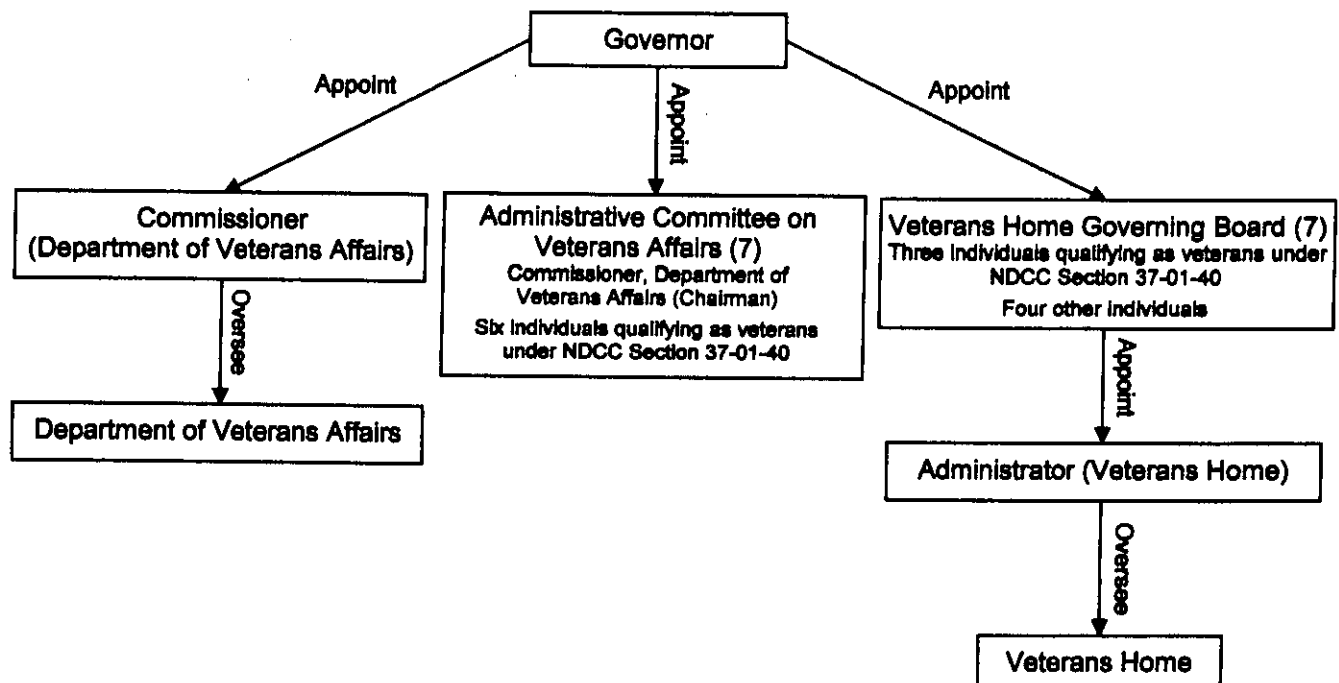
February 2009

## SUMMARY OF HOUSE BILL NO. 1057 RELATING TO THE DEPARTMENT OF VETERANS AFFAIRS, THE VETERANS HOME, AND THE DELIVERY OF VETERANS' SERVICES

This memorandum provides a summary of House Bill No. 1057 relating to the Department of Veterans Affairs, the Veterans Home, and the delivery of veterans' services. Major provisions of the bill draft:

- Require county veterans' service officers to maintain accreditation by the National Association of County Veterans Service Officers within one year of appointment.
- Provide a \$20,000 general fund appropriation to the Department of Veterans Affairs for arranging for National Association of County Veterans Service Officers accreditation training.
- Require two of the Department of Veterans Affairs' existing full-time equivalent (FTE) positions to be used for training officers for the 2009-11 biennium.
- Provide that the general supervision and governance of the Veterans Home is vested in a Veterans Home Governing Board, which consists of seven members appointed by the Governor.
- Provide that the commissioner of the Department of Veterans Affairs be appointed by the Governor.
- Require the Department of Veterans Affairs be located in Bismarck or Mandan.
- Provide that any employee of the Department of Veterans Affairs may not be a conservator for a person receiving benefits or services from the department.
- Reduce the size of the Administrative Committee on Veterans Affairs from 15 individuals to 7 individuals with the commissioner of the Department of Veterans Affairs serving as the chairman of the committee.
- Revise the powers and duties of the Administrative Committee on Veterans Affairs to remove supervision of the Department of Veterans Affairs and the Veterans Home and to provide that the committee is to create and implement a strategic plan for the delivery of veterans' services in the state. The bill draft does not change the committee's duties relating to the administration of the veterans' postwar trust fund as provided in Section 25 of the Constitution of North Dakota and North Dakota Century Code (NDCC) Section 37-14-12 and administration of the veterans' aid fund as provided in Section 37-14-10.

### PROPOSED ORGANIZATIONAL STRUCTURE





## BILL SECTION SUMMARY

|            |  |
|------------|--|
| Section 1  | Amends NDCC Section 37-14-18 to provide that county veterans' service officers must maintain accreditation by the National Association of County Veterans Service Officers within one year of appointment.   |
| Section 2  | Amends NDCC Section 37-15-03 to provide that the general supervision and governance of the Veterans Home is vested in the Veterans Home Governing Board.   |
| Section 3  | Amends NDCC Section 37-15-07 relating to the administrator of the Veterans Home to provide that the Veterans Home Governing Board, not the Administrative Committee on Veterans Affairs, may designate the administrator as commandant of the Veterans Home if the administrator is an honorably discharged veteran.   |
| Section 4  | Creates four new sections to NDCC Chapter 37-15 to: <ul style="list-style-type: none"> <li>• Establish a Veterans Home Governing Board consisting of seven voting members appointed by the Governor. Of the members, three must qualify as veterans under Section 37-01-40.</li> <li>• Provide that the Governor is to appoint a chairman of the governing board.</li> <li>• Provide that the governing board is responsible for the administration of the Veterans Home, including selecting an administrator, conducting an annual performance evaluation of the administrator, and implementing a strategic plan for the Veterans Home.</li> <li>• Provide that the governing board members may receive compensation of \$135 per day and reimbursement for travel, meals, and lodging expenses.</li> </ul> |
| Section 5  | Amends NDCC Section 37-18-07 to provide that the commissioner of the Department of Veterans Affairs is to be appointed by the Governor. The commissioner must qualify as a veteran as defined in Section 37-01-40 and is to serve at the pleasure of the Governor.   |
| Section 6  | Amends NDCC Section 37-18-08 to provide that the Department of Veterans Affairs must be located in Bismarck or Mandan.   |
| Section 7  | Amends NDCC Section 37-18-12 to provide that the Department of Veterans Affairs may accept and spend funds from any source, including federal or private sources, to be used to assist veterans in obtaining assistance and to pay other expenses incurred in carrying out programs of benefit and service for veterans with approval of the Emergency Commission. This section previously required authorization by the Administrative Committee on Veterans Affairs.   |
| Section 8  | Creates a new section to NDCC Chapter 37-18 to provide that an employee of the Department of Veterans Affairs may not be a conservator for a person receiving benefits or services from the department.  |
| Section 9  | Amends NDCC Section 37-18.1-01 to reduce the size of the Administrative Committee on Veterans Affairs from 15 individuals to 7 individuals consisting of the commissioner of the Department of Veterans Affairs and 6 individuals qualifying as veterans under the provisions of Section 37-01-40.   |
| Section 10 | Amends NDCC Section 37-18.1-02 to provide that the commissioner of the Department of Veterans Affairs is to serve as the chairman of the Administrative Committee on Veterans Affairs.   |
| Section 11 | Amends NDCC Section 37-18.1-03 to revise the powers and duties of the Administrative Committee on Veterans Affairs to remove supervision of the Department of Veterans Affairs and the Veterans Home and to provide that the committee is to create and implement a strategic plan for the delivery of veterans' services in the state.  |
| Section 12 | Amends NDCC Section 37-18.1-04 to provide that the members of the Administrative Committee on Veterans Affairs may receive compensation of \$135 per day and may be reimbursed for travel expenses, including meals and lodging expenses, in connection with their official duties with payment made by the Department of Veterans Affairs.  |
| Section 13 | Provides that the commissioner of Veterans Affairs must utilize two of the Department of Veterans Affairs' existing FTE positions as training officers for the 2009-11 biennium.   |
| Section 14 | Provides a \$20,000 general fund appropriation to the Department of Veterans Affairs for arranging for National Association of County Veterans Service Officers accreditation training for all county veterans' service officers during the 2009-11 biennium.  |





## **HB 1057**

### **Delivery of Veterans Benefits**



**“To care for him who shall have borne the battle, and for his widow and orphan”**

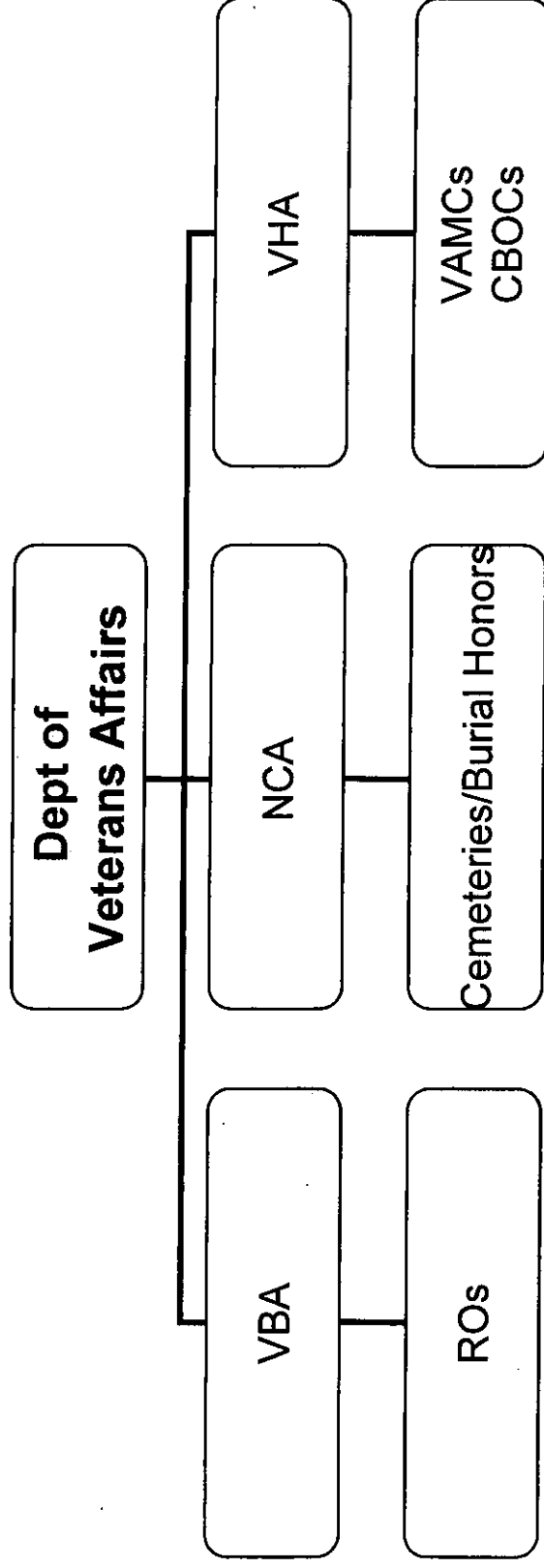
- President Lincoln’s vision
  - The measure of a nation is gauged by the way its people honor their defenders
  - The decision to step forward to support & defend the Constitution, serving in harms way when necessary, exacts a great toll
  - Yet our veterans do not hesitate to serve and bear the cost of freedom for all



## HB 1057 Delivery of Veterans Benefits



- Veterans Administration created in 1930
- President Reagan elevated to Cabinet level in late 1980s





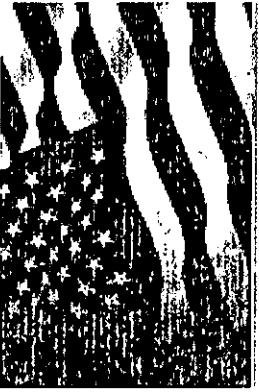
## **HB 1057**

### **Delivery of Veterans Benefits**



## **Veterans Benefits Administration:**

- Education
- Compensation & Pension
- Vocational Rehabilitation & Employment
- Home Loans
- Survivors Benefits
- Life Insurance
- Returning from war



## **HB 1057**

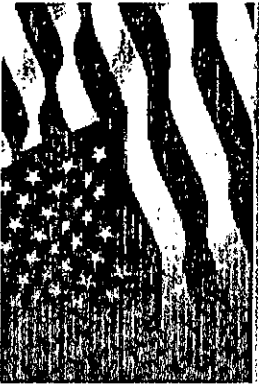
### **Delivery of Veterans Benefits**



How do veterans present claims for these benefits?:

- Directly to the VA RO (Themselves)
- Through a CVSO
- Through the ND Dept of VA
- Through the NSOs:

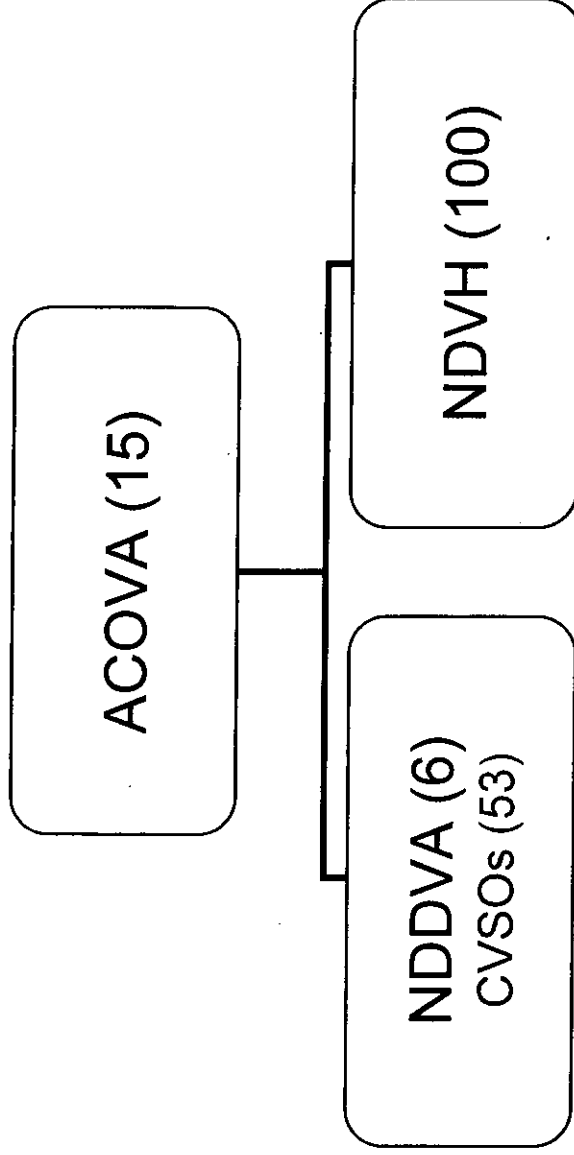
- AMERICAN LEGION
- AMVETS
- DISABLED AMERICAN VETERANS
- VETERANS OF FOREIGN WARS

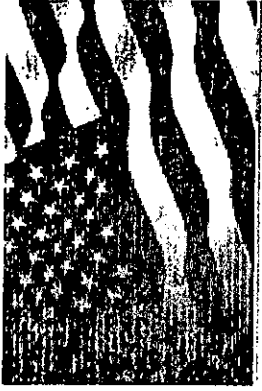


## HB 1057 Delivery of Veterans Benefits



HOW DOES NORTH DAKOTA DO THIS COMPARED TO OTHER STATES?





## **HB 1057**

### **Delivery of Veterans Benefits**



#### **THE LEGISLATIVE APPROPRIATION:**

- Approx \$1½ Mil for Dept of Vets Affairs
  - And a 2 mil levy auth for each CVSO
- Approx \$11 ½ Mil for Veterans Home
- Combined into a single bill
- This has tended to disguise problems with Dept of VA funding



**GEOGRAPHIC DISTRIBUTION OF VA EXPENDITURES FOR FY 2006**  
**Expenditures in \$000**

| STATE                | Veteran<br>Population * | Compensation<br>& Pension | Education &<br>Voc Rehab | Medical<br>Expenditures | Insurance &<br>Indemnities | Construction | General<br>Operating<br>Expenses |
|----------------------|-------------------------|---------------------------|--------------------------|-------------------------|----------------------------|--------------|----------------------------------|
| Alabama              | 417,497                 | 842,957                   | 59,898                   | 538,561                 | 24,473                     | 1,376        | 18,478                           |
| Alaska               | 65,767                  | 116,785                   | 11,125                   | 104,870                 | 2,497                      | 5,667        | 2,890                            |
| Arizona              | 550,095                 | 793,649                   | 88,862                   | 699,472                 | 40,204                     | 8,006        | 30,176                           |
| Arkansas             | 262,613                 | 556,473                   | 34,365                   | 545,962                 | 15,250                     | 1,423        | 12,093                           |
| California           | 2,203,727               | 2,777,271                 | 309,795                  | 2,862,612               | 180,656                    | 48,893       | 80,455                           |
| Colorado             | 419,938                 | 596,849                   | 76,393                   | 382,518                 | 28,807                     | 3,073        | 26,369                           |
| Connecticut          | 251,957                 | 211,453                   | 43,677                   | 318,172                 | 28,009                     | 5,339        | 6,188                            |
| Delaware             | 79,029                  | 86,524                    | 7,144                    | 80,969                  | 5,542                      | 137          | 1,695                            |
| District of Columbia | 34,804                  | 55,858                    | 14,266                   | 124,203                 | 3,242                      | 177,138      | 1,027,663                        |
| Florida              | 1,747,076               | 2,681,007                 | 218,572                  | 2,348,789               | 162,203                    | 44,875       | 44,339                           |
| Georgia              | 757,070                 | 1,167,127                 | 158,394                  | 807,119                 | 40,987                     | 16,394       | 49,232                           |
| Hawaii               | 102,396                 | 172,426                   | 20,605                   | 121,316                 | 15,559                     | 407          | 8,737                            |
| Idaho                | 131,827                 | 195,177                   | 17,690                   | 167,191                 | 7,968                      | 348          | 4,331                            |
| Illinois             | 852,409                 | 718,008                   | 99,857                   | 1,164,160               | 73,381                     | 21,794       | 61,799                           |
| Indiana              | 534,033                 | 491,630                   | 40,040                   | 579,772                 | 26,701                     | 4,275        | 15,297                           |
| Iowa                 | 254,855                 | 262,756                   | 23,176                   | 334,432                 | 21,993                     | 8,809        | 6,199                            |
| Kansas               | 237,564                 | 285,489                   | 29,482                   | 322,300                 | 17,554                     | 3,789        | 7,767                            |
| Kentucky             | 351,185                 | 595,300                   | 41,620                   | 540,867                 | 17,781                     | 3,388        | 14,826                           |
| Louisiana            | 356,461                 | 608,493                   | 44,374                   | 526,435                 | 20,442                     | 5,377        | 16,730                           |
| Maine                | 139,063                 | 306,269                   | 27,658                   | 199,881                 | 9,742                      | 112          | 6,573                            |
| Maryland             | 470,722                 | 529,934                   | 60,736                   | 538,762                 | 37,375                     | 2,113        | 13,770                           |
| Massachusetts        | 462,083                 | 614,445                   | 46,165                   | 656,397                 | 46,896                     | 6,625        | 12,613                           |
| Michigan             | 804,011                 | 766,549                   | 64,445                   | 714,204                 | 48,604                     | 8,533        | 21,720                           |
| Minnesota            | 410,166                 | 545,754                   | 40,498                   | 556,217                 | 36,947                     | 5,472        | 32,814                           |
| Mississippi          | 236,338                 | 400,259                   | 23,411                   | 461,053                 | 12,500                     | 7,933        | 15,077                           |
| Missouri             | 538,172                 | 679,740                   | 60,149                   | 680,241                 | 33,927                     | 2,059        | 46,843                           |
| Montana              | 100,230                 | 171,584                   | 12,854                   | 140,048                 | 7,303                      | 4,903        | 4,803                            |
| Nebraska             | 153,834                 | 248,113                   | 23,286                   | 234,474                 | 13,322                     | 15           | 7,277                            |
| Nevada               | 244,295                 | 314,223                   | 26,128                   | 355,270                 | 12,213                     | 908          | 6,036                            |
| New Hampshire        | 127,434                 | 162,630                   | 16,261                   | 156,237                 | 9,474                      | 1,293        | 6,358                            |
| New Jersey           | 545,345                 | 541,784                   | 63,945                   | 513,471                 | 60,711                     | 563          | 10,298                           |

|                |           |           |         |           |         |        |        |
|----------------|-----------|-----------|---------|-----------|---------|--------|--------|
| New Mexico     | 175,923   | 426,661   | 32,382  | 288,970   | 13,726  | 1,231  | 8,104  |
| New York       | 1,094,391 | 1,245,440 | 157,874 | 1,875,102 | 114,405 | 16,527 | 52,074 |
| North Carolina | 756,216   | 1,360,223 | 130,091 | 895,775   | 47,210  | 6,136  | 19,585 |
| North Dakota   | 53,048    | 86,118    | 10,723  | 73,663    | 4,543   | 1,262  | 3,752  |
| Ohio           | 1,012,466 | 998,481   | 83,704  | 1,186,276 | 64,922  | 11,524 | 35,445 |
| Oklahoma       | 346,707   | 858,059   | 64,710  | 433,152   | 20,550  | 5,270  | 41,531 |
| Oregon         | 357,319   | 582,858   | 48,089  | 486,914   | 22,922  | 7,811  | 18,254 |
| Pennsylvania   | 1,088,220 | 1,145,285 | 81,801  | 1,300,897 | 91,683  | 26,340 | 85,103 |
| Rhode Island   | 86,327    | 126,424   | 7,130   | 124,209   | 7,310   | 355    | 4,684  |
| South Carolina | 410,084   | 711,738   | 61,269  | 531,409   | 25,618  | 13,453 | 18,449 |
| South Dakota   | 70,981    | 132,378   | 13,738  | 182,040   | 5,864   | 0      | 4,304  |
| Tennessee      | 532,105   | 822,649   | 60,719  | 727,507   | 27,309  | 5,546  | 24,933 |
| Texas          | 1,652,214 | 3,087,017 | 307,903 | 2,218,642 | 104,204 | 20,248 | 85,955 |
| Utah           | 146,738   | 173,640   | 22,898  | 196,792   | 11,212  | 114    | 11,973 |
| Vermont        | 55,670    | 71,209    | 18,845  | 79,499    | 4,109   | 28     | 1,434  |
| Virginia       | 737,600   | 1,114,771 | 141,756 | 701,730   | 51,814  | 6,170  | 45,442 |
| Washington     | 617,723   | 1,014,228 | 98,043  | 573,297   | 39,583  | 7,195  | 22,671 |
| West Virginia  | 182,285   | 363,181   | 61,754  | 388,318   | 9,983   | 2,785  | 10,267 |
| Wisconsin      | 457,450   | 554,251   | 41,611  | 596,922   | 38,322  | 3,228  | 24,001 |
| Wyoming        | 53,711    | 70,439    | 5,866   | 113,132   | 3,295   | 2,125  | 0      |
| Puerto Rico    | 125,194   | 460,317   | 21,202  | 399,259   | 4,145   | 10,100 | 11,802 |

Notes:

\* Veteran population estimated as of September 30, 2006. Data from Office of the Actuary, VA. Data is unrounded.

Expenditures presented for Compensation and Pension reflect the dollar value of actual payments made to individuals.

Expenditures presented for Education and Voc Rehab reflect the dollar value of actual payments made to individuals and to organizations providing educational services to veterans.

The C&P category includes expenditures for the following programs: veterans' compensation for service-connected disability; dependency and indemnity compensation for service-connected deaths; veterans' pension for nonservice-connected disabilities; and pension to veterans' surviving spouse and children.

Medical Expenditure includes medical services, medical administration, facility maintenance cost, educational support, research support, and other overhead items. Medical Expenditure does not include construction or other non-medical support activities.

GEOGRAPHIC DISTRIBUTION OF VA EXPENDITURES FOR FY 2006  
NORTH DAKOTA  
Expenditures in \$000

| COUNTY        | Veteran<br>Population* | Total<br>Expenditures | Compensation<br>& Pension | Education &<br>Voc Rehab | Medical<br>Expenditures | D + E  | H/B   |
|---------------|------------------------|-----------------------|---------------------------|--------------------------|-------------------------|--------|-------|
| ADAMS         | 204                    | 607                   | 311                       | 33                       | 263                     | 344    | 1,687 |
| BARNES        | 1,053                  | 3,402                 | 1,448                     | 41                       | 1,914                   | 1,489  | 1,414 |
| BENSON        | 396                    | 2,008                 | 1,070                     | 28                       | 911                     | 1,098  | 2,770 |
| BILLINGS      | 104                    | 172                   | 136                       | 0                        | 36                      | 136    | 1,311 |
| BOTTINEAU     | 660                    | 1,323                 | 870                       | 38                       | 415                     | 907    | 1,374 |
| BOWMAN        | 227                    | 717                   | 306                       | 1                        | 410                     | 307    | 1,354 |
| BURKE         | 207                    | 703                   | 263                       | 21                       | 419                     | 285    | 1,372 |
| BURLEIGH      | 6,167                  | 14,231                | 8,657                     | 786                      | 4,788                   | 9,443  | 1,531 |
| CASS          | 9,144                  | 44,196                | 17,615                    | 1,642                    | 24,939                  | 19,257 | 2,106 |
| CAVALIER      | 458                    | 1,082                 | 529                       | 19                       | 535                     | 548    | 1,195 |
| DICKEY        | 431                    | 1,609                 | 678                       | 35                       | 897                     | 712    | 1,652 |
| DIVIDE        | 216                    | 391                   | 233                       | 6                        | 152                     | 239    | 1,105 |
| DUNN          | 274                    | 915                   | 558                       | 25                       | 332                     | 583    | 2,125 |
| EDDY          | 222                    | 746                   | 400                       | 5                        | 342                     | 405    | 1,824 |
| EMMONS        | 334                    | 1,138                 | 706                       | 0                        | 432                     | 706    | 2,115 |
| FOSTER        | 250                    | 915                   | 331                       | 13                       | 571                     | 344    | 1,377 |
| GOLDEN VALLEY | 190                    | 254                   | 146                       | 16                       | 92                      | 162    | 0,851 |
| GRAND FORKS   | 5,619                  | 16,107                | 9,031                     | 1,848                    | 5,228                   | 10,878 | 1,936 |
| GRANT         | 256                    | 662                   | 302                       | 34                       | 326                     | 336    | 1,312 |
| GRIGGS        | 251                    | 807                   | 336                       | 1                        | 470                     | 337    | 1,341 |
| HETTINGER     | 287                    | 361                   | 186                       | 9                        | 166                     | 195    | 0,682 |
| KIDDER        | 247                    | 849                   | 427                       | 12                       | 410                     | 439    | 1,779 |
| LAMOURE       | 330                    | 990                   | 489                       | 47                       | 454                     | 536    | 1,621 |
| LOGAN         | 163                    | 458                   | 227                       | 23                       | 208                     | 250    | 1,540 |
| MCHENRY       | 572                    | 1,231                 | 880                       | 23                       | 328                     | 903    | 1,577 |
| MCINTOSH      | 210                    | 619                   | 277                       | 3                        | 339                     | 280    | 1,336 |
| MCKENZIE      | 541                    | 1,141                 | 762                       | 17                       | 363                     | 778    | 1,439 |
| MCLEAN        | 857                    | 2,493                 | 1,396                     | 52                       | 1,045                   | 1,448  | 1,691 |
| MERCER        | 801                    | 974                   | 624                       | 7                        | 343                     | 631    | 0,787 |
| MORTON        | 2,239                  | 5,615                 | 3,257                     | 214                      | 2,144                   | 3,471  | 1,550 |

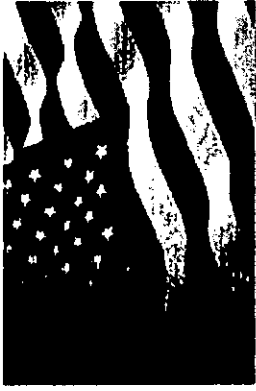
|                       |        |         |        |       |        |        |       |
|-----------------------|--------|---------|--------|-------|--------|--------|-------|
| MOUNTRAIL             | 606    | 1,931   | 1,274  | 44    | 613    | 1,319  | 2,178 |
| NELSON                | 399    | 1,398   | 641    | 35    | 723    | 676    | 1,695 |
| OLIVER                | 141    | 636     | 325    | 26    | 286    | 351    | 2,480 |
| PEMBINA               | 839    | 2,180   | 1,197  | 55    | 929    | 1,251  | 1,491 |
| PIERCE                | 432    | 1,262   | 653    | 28    | 582    | 681    | 1,574 |
| RAMSEY                | 764    | 3,203   | 1,421  | 49    | 1,733  | 1,470  | 1,924 |
| RANSOM                | 506    | 3,398   | 1,189  | 12    | 2,197  | 1,201  | 2,372 |
| RENVILLE              | 285    | 725     | 421    | 43    | 261    | 463    | 1,623 |
| RICHLAND              | 1,133  | 3,721   | 1,645  | 160   | 1,915  | 1,805  | 1,594 |
| ROLETTE               | 822    | 2,273   | 1,554  | 120   | 598    | 1,675  | 2,037 |
| SARGENT               | 326    | 1,082   | 537    | 33    | 512    | 570    | 1,748 |
| SHERIDAN              | 153    | 268     | 151    | 0     | 118    | 151    | 0,985 |
| SIOUX                 | 314    | 1,090   | 752    | 40    | 298    | 792    | 2,524 |
| SLOPE                 | 51     | 262     | 108    | 0     | 154    | 108    | 2,124 |
| STARK                 | 1,930  | 4,513   | 2,495  | 196   | 1,822  | 2,691  | 1,394 |
| STEELE                | 228    | 595     | 388    | 13    | 193    | 402    | 1,761 |
| STUTSMAN              | 1,770  | 5,817   | 2,759  | 128   | 2,931  | 2,886  | 1,631 |
| TOWNER                | 271    | 598     | 339    | 30    | 229    | 369    | 1,358 |
| TRAIL                 | 750    | 2,842   | 1,293  | 65    | 1,484  | 1,358  | 1,811 |
| WALSH                 | 1,111  | 2,834   | 1,390  | 58    | 1,385  | 1,448  | 1,304 |
| WARD                  | 5,092  | 15,143  | 10,528 | 1,398 | 3,218  | 11,925 | 2,342 |
| WELLS                 | 408    | 834     | 396    | 13    | 425    | 409    | 1,004 |
| WILLIAMS              | 1,805  | 4,105   | 2,214  | 106   | 1,785  | 2,320  | 1,285 |
| NORTH DAKOTA (Totals) | 53,048 | 167,430 | 86,118 | 7,649 | 73,663 | 93,767 | 1,768 |

Notes:

\* Veteran population estimated as of September 30, 2006. Data from Office of the Actuary, VA. Data is unrounded.

Expenditures presented at the county level for Compensation, Pension, Education, and Voc Rehab reflect the dollar value of actual payments made to individuals.

The C&P category includes expenditures for the following programs: veterans' compensation for service-connected disability; dependency and indemnity compensation for service-connected deaths; veterans' pension for nonservice-connected disabilities; and pension to veterans' surviving spouse and children.

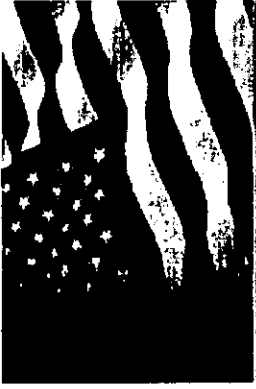


## **HB 1057 Delivery of Veterans Benefits**



### **PROBLEMS IN THE PAST 5 YEARS:**

- 2002
  - NDVH fails State Health Department Inspection
  - Commandant receives media, legal attention
  - Performance Audit reveals financial problems, 42 other significant findings, to include that the ACOVA should revise its mission, structure, size, and selection criteria
  - OMB takes control of the NDVH budget
- 2003
  - SB 2399 creates Governing Board, mandates a strategic plan, makes Commandant and Commissioner “at pleasure”
  - Legislature directs a Performance Audit of the Department of Veterans Affairs

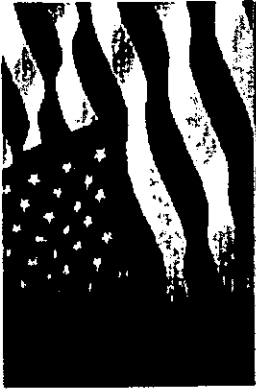


## **HB 1057 Delivery of Veterans Benefits**



### **PROBLEMS IN THE PAST 5 YEARS:**

- 2004
  - Performance audit raises significant questions over propriety of fiduciary assignments
  - Alleged misrepresentation by the Commissioner, Attorney General investigation initiated
  - Commissioner resigns prior to conclusion of investigation
  - NDVH Governing Board formed and initiates strategic plan
- 2005
  - New Commissioner appointed —
  - ACOVA begins strategic plan —



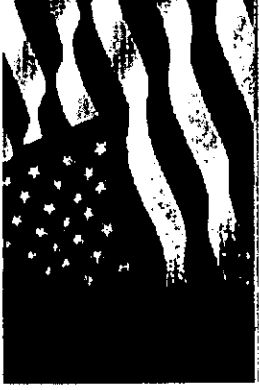
## **HB 1057**

### **Delivery of Veterans Benefits**



#### **PROBLEMS IN THE PAST 5 YEARS:**

- 2006
  - Routine inspections reveal life safety issues at NDVH/Quality of care is not an issue
  - Cost to repair is more than cost to replace
  - ACOVA/Commissioner relationship becomes tenuous
- 2007
  - NDVH Governing Board advocates for replacement funding
  - SB 2418 signed Apr 12<sup>th</sup>, provides for new 150 bed facility
  - HCR 3063 recommends study of delivery of veterans benefits
  - Legislative Council selects HCR 3063, committee formed
  - Subcommittee of ACOVA places Commissioner on Administrative Leave
  - ACOVA and Department employees receive “bale” of leafy spurge from Fargo Forum



## **HB 1057**

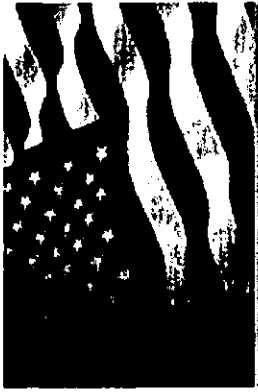
### **Delivery of Veterans Benefits**



## **CONCLUSIONS**

- NDVH Governing Board has been very successful
- ACOVA is too large, has no qualification criteria, has been dysfunctional and struggled with its role as a board and with strategic planning
- Federal veterans benefit programs have increased in complexity
- North Dakota has not kept pace organizationally





## HB 1057 Delivery of Veterans Benefits



### RECOMMENDATIONS:

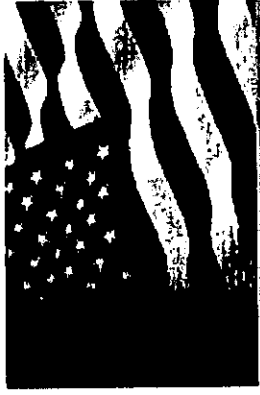
#### •ACOVA

- Reduce to 5 members, nominated by anyone, and selected by the governor based on qualifications while attempting to fairly represent the veteran population. Appoint one a year to a five year term for continuity. (Minnesota model)

#### •Department of Veterans Affairs

- Get out of the claims business
- Join & expand on VA outreach efforts
- Provide FTE to accomplish fiduciary duties and transfer income to Post War Trust Fund
- Carefully study the appropriate location of the Department (but see recommendation for CVSOs)

*4% of claims  
6 of counties have \$*



## **HB 1057**

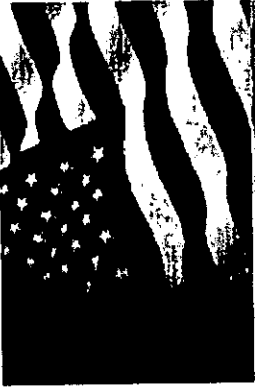
### **Delivery of Veterans Benefits**



#### **RECOMMENDATIONS:**

##### **CVSOs:**

- Although revolutionary change is indicated, it is not very feasible
- Develop an evolutionary strategy to migrate towards regionalization, with the state assuming responsibility
- Ultimately, the Commissioner should have sufficient FTE to assume responsibility on a regional level, and sufficient funding to train personnel, raise awareness, and travel to every part of the state to insure delivery of benefits on an absolutely equal basis to all veterans



## **HB 1057 Delivery of Veterans Benefits**



### **RECOMMENDATIONS:**

#### **BOARD STRUCTURE**

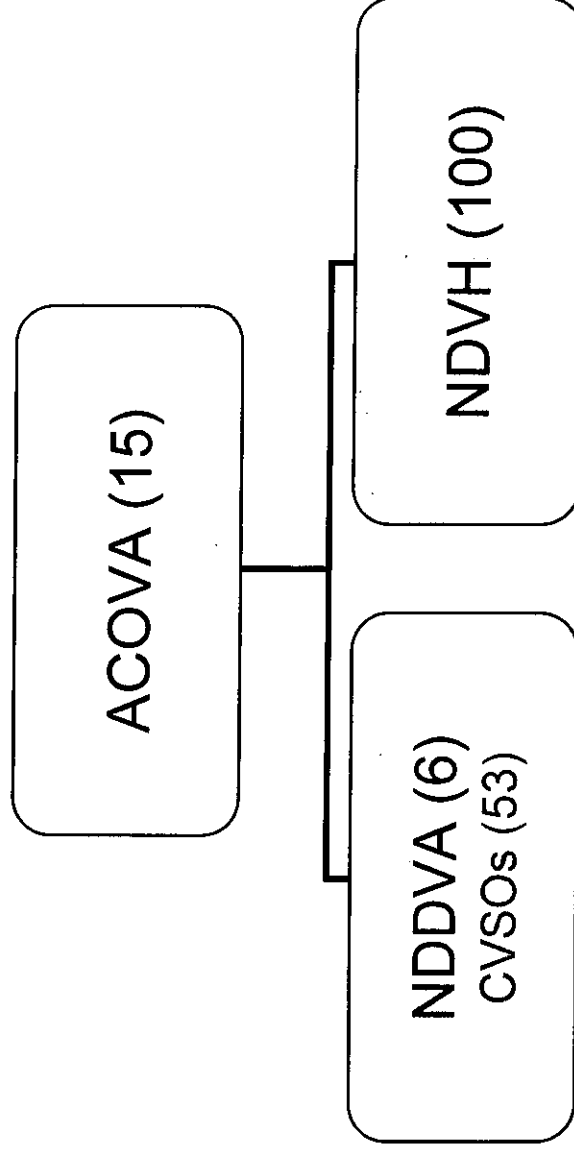
- Separate the ACOVA and the NDVH into two separate governing bodies, with similar selection processes



# **HB 1057** **Delivery of Veterans Benefits**



## **PRE-2003 STRUCTURE**

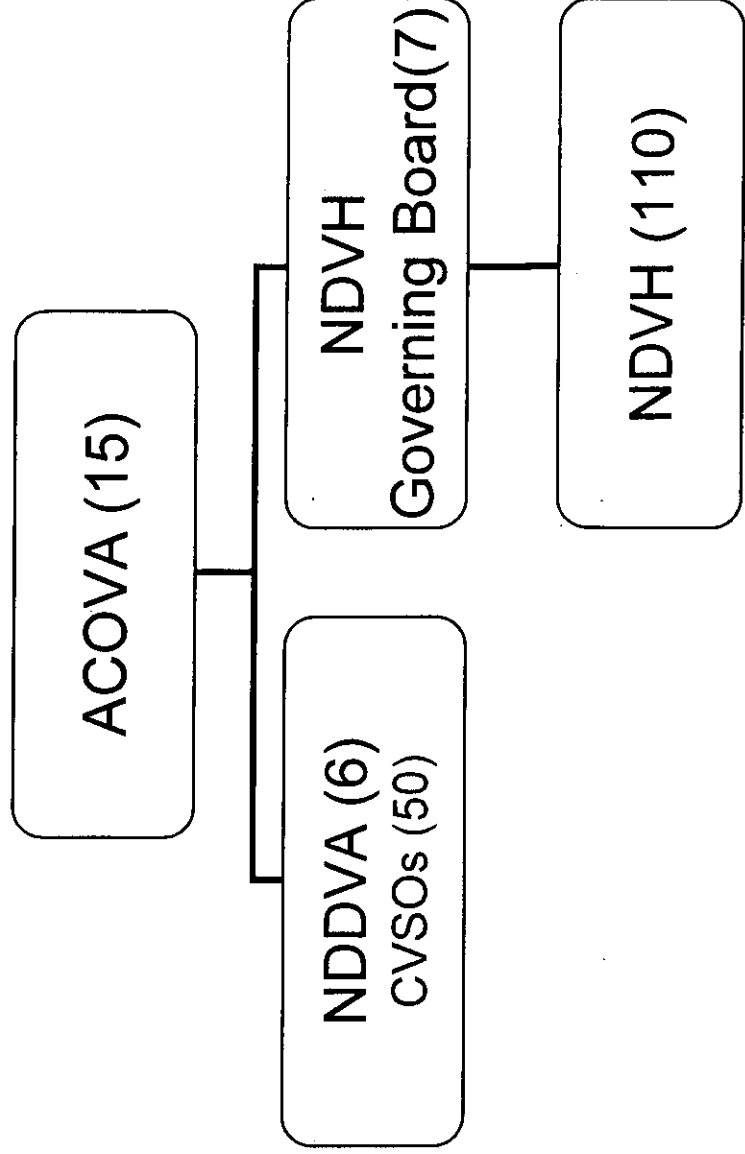


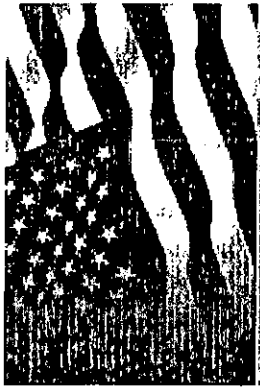


# **HB 1057** **Delivery of Veterans Benefits**



## **Post-2003 STRUCTURE**

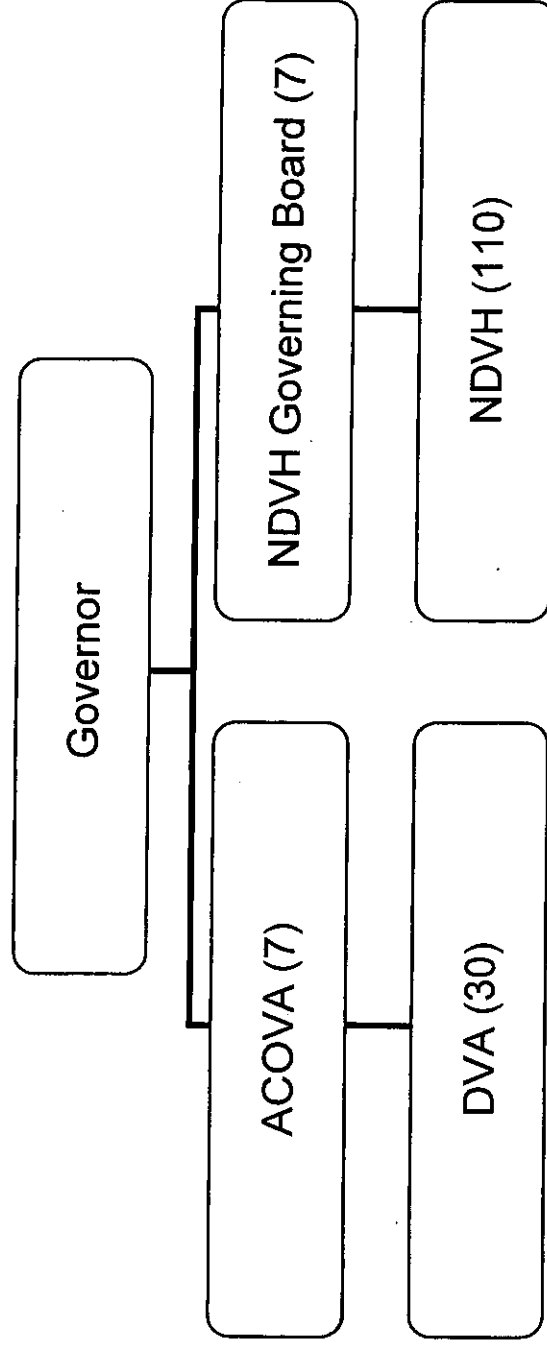




# **HB 1057** **Delivery of Veterans Benefits**



## **RECOMMENDED STRUCTURE**



•This reflects the National structure of the VA:  
Pension & Benefits ↔ Medical/Hospital

Attach #3

## Morton/Oliver Veterans Service



**Ronald D. Otto**  
Service Officer

10 2nd Ave. NW  
Grand Forks, ND 58554

Janice Braun, Secretary

701-667-3365  
Fax 701-667-3284

email:rotto@nd.gov

North Dakota Legislature  
Government and Veteran Affairs Committee  
The Honorable Bette Grande, Chairwoman

RE: HB 1057

Chairwoman Grande and Committee Members:

My name is Ron Otto. I am the Morton/Oliver County Veteran Service Officer. I have been a county veterans' service officer for 22 years. I am also the President of the Professional Veterans' Advocates of North Dakota. The Professional Veterans' Advocates of ND is an organization of county veteran service officers, both full time and part time and serves over 71% of the veteran population in North Dakota.

Regarding House Bill 1057, as President I polled our membership on the 14 different aspects of the bill (my poll is attached for reference) and 11 of 18 members responded as follows: 1) 8 support – 3 amend and support 2) 9 support – 1 neutral – 1 do not support 3) 11 support 4) 9 support – 2 neutral 5) 11 support 6) 9 support – 2 neutral 7) 9 support – 2 neutral 8) 10 support – 1 amend and support 9) 10 support – 1 do not support 10) 10 support – 1 do not support 11) 11 support 12) 4 support – 1 neutral – 6 do not support 13) 9 support – 2 amend and support 14) 11 support

I am also attaching a copy of correspondence from national service officers that are located at the Fargo VA Regional Office that you will find informative.

I have also reviewed the "fiscal note" attached to the bill and I do not see any credibility in it.

I want to thank the North Dakota Legislature and the Public Safety Committee for choosing the delivery of veterans' services as an interim study.

I gave testimony during the "interim study" of the "Public Safety Committee" and my testimony to them is of record. I am very much in favor of the National Association of County Veterans Service Officers (NACVSO) coming to North Dakota and providing training to all county veterans' service officers who have not had the opportunity to attend their training to date. This group was organized in 1988 at a meeting in St Paul, MN for the purpose of providing superior and consistent training to county veteran

service officers. NACVSO is often asked to attend meetings of The United States Department of Veterans' Affairs before any other veterans' organization in order to give testimony and provide viable solutions to the major problems the VA faces.

As a service officer who provides services in a major population county full time and a small county part time, I am in a unique position to have viewed all aspects of the issue of veterans' service. Knowledge, skill and ability to do one's job is essential in providing veterans benefits. Well over 99% of the benefits coming to the veterans of North Dakota are federal benefits. That is job one, ensuring that veterans, their dependants and survivors receive the benefits earned by the man or woman that stood up and had the courage to write a blank check to the United States of America for an amount up to and including their very life. Thank you for this opportunity to do my job again and stand up for the veteran.

I Remain

A handwritten signature in cursive script that reads "Ronald D. Otto". The signature is written in dark ink and is positioned above the printed name.

Ronald D. Otto



## Ron Otto

---

**From:** Ron Otto [rotto@state.nd.us]

**Sent:** Saturday, January 24, 2009 2:42 PM

**To:** 'Barb Zavala'; 'Bob Evans'; 'Cathy Westensee'; 'Chanelle Lende'; 'Cindy Munsch'; 'Dale E. Braun'; 'Jack Heyne'; 'Jim Brent'; 'Jim Verwey'; 'Les Ashe'; 'Leslie Ross'; 'Mark Landis'; 'Mike Vandrovec'; 'Tom Gerszewski'; 'Warren Tobin'

**Subject:** HB 1057 & Other Matters

As President I am calling an electronic meeting for the purposes of discussing House Bill 1057 and other matters. First I need everyone's attention and response regarding each separate section of HB 1057. I am asking you to read, make a selection and for any reasoning you may have for your selection. We Begin:

- 1) Section 37-14-18 (Amended) - The county veterans' service officer must maintain accreditation by the national association of county veterans' service officers within one year of appointment.

Support – Amend and Support – Do Not Support

- 2) Section 37-15-03 (Amended) – The general supervision and government of the veterans' home is vested in the veterans' home governing board. (FYI – ACOVA currently has this authority)

Support – Amend and Support – Do Not Support

- 3) Section 37-15-07 (Amended) – The veterans' home governing board may designate the administrator as commandant of the

Veterans' home if the administrator is an honorably discharged veteran. (FYI – ACOVA currently has this authority)

Support – Amend and Support – Do Not Support

- 4) Four new sections to 37-15 NDCC are created and enacted as follows:

(For the sake of brevity I would ask that you all read this section of 1057. It deals with Membership, Appointment, Chairman, Duties, Meetings, Powers and duties of veterans' home governing board, Veterans' home governing board – Compensation – Expenses.)

Support – Amend and Support – Do Not Support

- 5) Section 37-18-07 (Amended) - The governor shall appoint the commissioner. The commissioner must be a veteran as Defined in section 37-01-40 and shall serve at the pleasure of the governor.

Support – Amend and Support – Do Not Support

- 6) Section 37-18-08 (Amended) – Changes where the commissioner's office is located from Fargo to Bismarck/Mandan.

Support – Amend and Support – Do Not Support

- 7) Section 37-18-12 (Amended) – This amendment removes ACOVA's authorizing authority for accepting and expending funds from any source, including federal or private, but keeps approval with the emergency commission. Note that the interest monies from the veterans' postwar trust fund and the ACOVA's responsibility here remains unchanged. In essence the commissioner "is authorized with the approval of the emergency commission.

Support – Amend and Support – Do Not Support

2/4/2009

- 8) Section 37-18 – New Section – An employee of the department of veterans' affairs may not serve as a conservator for a person receiving benefits or services from the department.

Support – Amend and Support – Do Not Support

- 9) Section 37-18.1-01 (Amended) – This section restructures the ACOVA. Reduces the number of voting members to six plus the commissioner (total of seven). Allows for 3 ex officio members (adjutant general, center director of the veterans' administration and executive director of job service ND).

Support – Amend and Support – Do Not Support

- 10) Section 37-18.1-02 (Amended) - Makes the chairman of the ACOVA the commissioner and does away with the secretary

Support – Amend and Support – Do Not Support

- 11) Section 37-18.1-03 (Amended) – Changes the duties of the ACOVA to- The committee has the following powers and duties: 1. The committee shall present any matters needing attention and action to the appropriate board, commission, agency, or department of the state, and the North Dakota veterans' coordinating council. 2. The committee shall create and implement a strategic plan for the delivery of veterans' services in the state. The committee annually shall report as to the status of the strategic plan to the governor.

Support – Amend and Support – Do Not Support

- 12) Section 37-18.1-04 (Amended) Provides a \$135 per day stipend for performance of their official duties, plus expenses for voting members.

Support – Amend and Support – Do Not Support

- 13) Training Positions for the Department – Instructs the commissioner to utilize two of his fle's at trainers.

Support – Amend and Support – Do Not Support

- 14) Appropriation – Appropriates \$20,000 for training.

Support – Amend and Support – Do Not Support

End of Bill

I have two other matters that I would like to address in this electronic meeting. Would each of the counties represented tell me if and how much you use the Department of Veterans Affairs for the State of North Dakota as a claims representative.

And would each of the counties represented tell me if and how much you use the American Legion as a claims representative.

For those that do not know, the commissioner has been busy setting up training with the American Legion on a contract basis. And for those that don't know, my position on the Department being a claims representative is this. I do not think they should be in the claims representation business. They do not have the training, expertise,

2/4/2009

skill or ability in my professional opinion to handle cases. They should be taking claims and handing them to other available claims organizations who do this for a living and for free. This will free them up to assist counties that require their help and assistance.

I open the floor for your debate and input.....

Electronic Code of Federal Regulations

**e-CFR**

TM

**e-CFR Data is current as of January 20, 2009**

**Title 38: Pensions, Bonuses, and Veterans' Relief**

**PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS**

Representation of Department of Veterans Affairs Claimants; Recognition of Organizations, Accredited Representatives, Attorneys, Agents; Rules of Practice and Information Concerning Fees, 38 U.S.C. 5901–5905

[Browse Previous](#) | [Browse Next](#)

**§ 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys.**

The Assistant General Counsel of jurisdiction or his or her designee will conduct an inquiry and make an initial determination regarding any question relating to the qualifications of a prospective service organization representative, agent, or attorney. If the Assistant General Counsel or designee determines that the prospective service organization representative, agent, or attorney meets the requirements for accreditation in paragraphs (a) or (b) of this section, notification of accreditation will be issued by the Assistant General Counsel or the Assistant General Counsel's designee and will constitute authority to prepare, present, and prosecute claims before an agency of original jurisdiction or the Board of Veterans' Appeals. If the Assistant General Counsel determines that the prospective representative, agent, or attorney does not meet the requirements for accreditation, notification will be issued by the Assistant General Counsel concerning the reasons for disapproval, an opportunity to submit additional information, and any restrictions on further application for accreditation. If an applicant submits additional evidence, the Assistant General Counsel will consider such evidence and provide further notice concerning his or her final decision. The determination of the Assistant General Counsel regarding the qualifications of a prospective service organization representative, agent, or attorney may be appealed by the applicant to the General Counsel. Appeals must be in writing and filed with the Office of the General Counsel (022D), 810 Vermont Avenue, NW., Washington, DC 20420, not later than 30 days from the date on which the Assistant General Counsel's decision was mailed. In deciding the appeal, the General Counsel's decision shall be limited to the evidence of record before the Assistant General Counsel. A decision of the General Counsel is a final agency action for purposes of review under the Administrative Procedure Act, 5 U.S.C. 701–706.

(a) Service Organization Representatives. A recognized organization shall file with the Office of the General Counsel VA Form 21 (Application for Accreditation as Service Organization Representative) for each person it desires accredited as a representative of that organization. The form must be signed by the prospective representative and the organization's certifying official. For each of its accredited representatives, a recognized organization's certifying official shall complete, sign and file with the Office of the General Counsel, not later than five years after initial accreditation through that organization or the most recent recertification by that organization, VA Form 21 to certify that the representative continues to meet the criteria for accreditation specified in paragraph (a)(1), (2) and (3) of this section. In recommending a person, the organization shall certify that the designee:

(1) Is of good character and reputation and has demonstrated an ability to represent claimants before the VA;

(2) Is either a member in good standing or a paid employee of such organization working for it not less than 1,000 hours annually; is accredited and functioning as a representative of another recognized organization; or, in the case of a county veteran's service officer recommended by a recognized State organization, meets the following criteria:

(i) Is a paid employee of the county working for it not less than 1,000 hours annually;

(ii) Has successfully completed a course of training and an examination which have been approved by a Regional Counsel with jurisdiction for the State; and

(iii) Will receive either regular supervision and monitoring or annual training to assure continued qualification as a representative in the claim process; and

(3) Is not employed in any civil or military department or agency of the United States.

(Authority: 38 U.S.C. 501(a), 5902)

(b) *Accreditation of Agents and Attorneys.* (1) No individual may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits as an agent or attorney unless he or she has first been accredited by VA for such purpose.

(i) For agents, the initial accreditation process consists of application to the General Counsel, self-certification of admission information concerning practice before any other court, bar, or State or Federal agency, an affirmative determination of character and fitness by VA, and a written examination.

(ii) For attorneys, the initial accreditation process consists of application to the General Counsel, self-certification of admission information concerning practice before any other court, bar, or State or Federal agency, and a determination of character and fitness. The General Counsel will presume an attorney's character and fitness to practice before VA based on State bar membership in good standing unless the General Counsel receives credible information to the contrary.

(iii) As a further condition of initial accreditation, both agents and attorneys are required to complete 3 hours of qualifying continuing legal education (CLE) during the first 12-month period following the date of initial accreditation by VA. To qualify under this subsection, a CLE course must be approved for a minimum of 3 hours of CLE credit by any State bar association and, at a minimum, must cover the following topics: representation before VA, claims procedures, basic eligibility for VA benefits, right to appeal, disability compensation (38 U.S.C. Chapter 11), dependency and indemnity compensation (38 U.S.C. Chapter 13), and pension (38 U.S.C. Chapter 15). Upon completion of the initial CLE requirement, agents and attorneys shall certify to the Office of the General Counsel in writing that they have completed qualifying CLE. Such certification shall include the title of the CLE, date and time of the CLE, and identification of the CLE provider, and shall be submitted to VA as part of the annual certification prescribed by §14.629(b)(4).

(iv) To maintain accreditation, agents and attorneys are required to complete an additional 3 hours of qualifying CLE on veterans benefits law and procedure not later than 3 years from the date of initial accreditation and every 2 years thereafter. To qualify under this subsection, a CLE course must be approved for a minimum of 3 hours of CLE credit by any State bar association. Agents and attorneys shall certify completion of the post-accreditation CLE requirement in the same manner as described in §14.629(b)(1)(iii).

(2) An individual desiring accreditation as an agent or attorney must establish that he or she is of good character and reputation, is qualified to render valuable assistance to claimants, and is otherwise competent to advise and assist claimants in the preparation, presentation, and prosecution of their claim(s) before the Department. An individual desiring accreditation as an agent or attorney must file a completed application (VA Form 21a) with the Office of the General Counsel (022D), 810 Vermont Avenue, NW., Washington, DC 20420, on which the applicant submits the following:

(i) His or her full name and home and business addresses;



## APPLICATION FOR ACCREDITATION AS SERVICE ORGANIZATION REPRESENTATIVE

**PRIVACY ACT AND PAPERWORK REDUCTION ACT NOTICE:** The information requested on this form is solicited under 38 U.S.C., Section 5902, which authorizes VA to recognize representatives of approved organizations for the preparation, presentation, and prosecution of claims under laws administered by VA. The requested information will enable VA to determine your eligibility for accreditation as a representative of a recognized service organization. Your disclosure of this information to us is voluntary, but your failure to provide full information could delay or preclude your accreditation. The Privacy Act authorizes VA to disclose the information outside VA for certain routine uses, which have been published in the Federal Register with reference to a VA system of records entitled, "Current and Former Accredited Representative, Claims Agent, and Representative and Claims Agent Applicant and Rejected Applicant Records-VA" (01VA022). Such routine uses include verification of the identity, status, and service organization affiliation of representatives, civil or criminal law enforcement, communications with members of Congress of their representatives, Government litigation, and notification to service organizations of information relevant to a refusal to grant or a suspension or termination of accreditation.

**RESPONDENT BURDEN:** VA may not conduct or sponsor, and you are not required to respond to, this collection of information unless it displays a valid OMB Control Number. The public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to VA Clearance Officer (005G2), 810 Vermont Avenue, NW, Washington, DC 20420. Send comments only. Do not send this form or requests for benefits to this address.

## SECTION I - TO BE EXECUTED BY DESIGNEE (Type or print)

|  |  |   |  |
|--|--|---|--|
| 1. LAST NAME - FIRST NAME - MIDDLE NAME  |  | 2. BUSINESS ADDRESS   |  |
| 3. BRANCH OF SERVICE (Check applicable boxes)<br><input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD <input type="checkbox"/> NON-VETERAN <input type="checkbox"/> OTHER (Specify) |  |   |  |
| 4. LIST OF DATES OF ALL ACTIVE SERVICE   |  | 5. CHARACTER OF DISCHARGE(S)  |  |
|  |  | 6. METHOD OF QUALIFICATION<br><input type="checkbox"/> COMPLETED VA APPROVED COURSE<br><input type="checkbox"/> PASSED VA APPROVED EXAMINATION<br><input type="checkbox"/> EXPERIENCE |  |
| 7A. NAME OF ORGANIZATION WHICH YOU WILL REPRESENT  |  |   |  |

## 7B. RELATIONSHIP TO ORGANIZATION

## 7C. COUNTY VETERANS SERVICE OFFICERS

|  |   |   |
|--|---|---|
| ARE YOU A MEMBER IN GOOD STANDING WITH THE ORGANIZATION SHOWN IN 7A?<br><input type="checkbox"/> YES <input type="checkbox"/> NO | ARE YOU A PAID EMPLOYEE OF THE ORGANIZATION SHOWN IN ITEM 7A, WORKING FOR THE ORGANIZATION FOR NOT LESS THAN 1000 HOURS ANNUALLY?<br><input type="checkbox"/> YES <input type="checkbox"/> NO | ARE YOU A PAID COUNTY EMPLOYEE: A) WHO WORKS FOR THE COUNTY NOT LESS THAN 1000 HOURS ANNUALLY; B) WHO HAS SUCCESSFULLY COMPLETED VA-APPROVED STATE TRAINING AND EXAMINATION; AND C) WHO WILL RECEIVE REGULAR STATE SUPERVISION AND MONITORING OR ANNUAL TRAINING?<br><input type="checkbox"/> YES <input type="checkbox"/> NO |
|--|---|---|

|  |  |
|--|--|
| 8. ARE YOU ACCREDITED TO ANY OTHER ORGANIZATION(S)?<br><input type="checkbox"/> YES <input type="checkbox"/> NO (If "YES," give name of organization(s))   |  |
| 9A. ARE YOU EMPLOYED IN ANY CIVIL OR MILITARY DEPARTMENT OR AGENCY OF THE UNITED STATES GOVERNMENT?<br><input type="checkbox"/> YES<br><input type="checkbox"/> NO (If "YES," give name of agency or department) | 9B. HAVE YOU EVER HELD A FEDERAL GOVERNMENT POSITION WHICH INVOLVED ANY ACTION RESPECTING CLAIMS IN THE DEPARTMENT OF VETERANS AFFAIRS OR THE VETERANS ADMINISTRATION?<br><input type="checkbox"/> YES <input type="checkbox"/> NO |

It is understood and agreed that neither the designee nor the organization will charge or accept any fee or other gratuity for services rendered a claimant; that neither will publish or divulge any confidential information except as provided by law or regulation; and that any breach of these conditions will be sufficient basis for revocation of accreditation.

|                           |                       |
|---------------------------|-----------------------|
| 10. SIGNATURE OF DESIGNEE | 11. DATE OF SIGNATURE |
|---------------------------|-----------------------|

## SECTION II - TO BE EXECUTED BY PROPER CERTIFYING OFFICER OF RECOGNIZED ORGANIZATION

**CERTIFICATION:** Subject to the foregoing agreement, the undersigned hereby certifies that the designee is of good character and reputation, is qualified by ability and experience to present claims, and that the foregoing statements are believed to be correct. We therefore recommend accreditation.

|   |                          |
|---|--------------------------|
| 12. SIGNATURE AND TITLE OF CERTIFYING OFFICER | 13. NAME OF ORGANIZATION |
| 14. ADDRESS OF CERTIFYING OFFICER             | 15. DATE OF SIGNATURE    |

**LIABILITY:** The law provides that whoever makes any statement of a material fact, knowing it to be false, shall be punished by a fine or imprisonment or both (18 U.S.C. 1001).

January 22, 2009

Dear Representative,

The following 2 letters are being sent by Commissioner of Veterans Affairs Lonnie Wangen, the Chairman of the Administrative Committee on Veterans Affairs, and the secretary of the ND Veterans Coordinating Council to various persons involved with Veteran Service work and Veterans Affairs. They are encouraging members of the House to defeat HB 1057.

Unfortunately, the letters requesting defeat are "inaccurate" and incomplete. There are a lot of good points to the bill that should not be defeated. For example:

1. **Section 37-14-18. County veterans' service officer – Appointment – Duties**  
"The county veterans service officer must maintain accreditation by the national association of county veterans' service officers within one year of appointment."  
Most states require CVSO's have mandatory training and encourage training with the national association. Most CVSO's in Minnesota attend training and "all" are required testing by the state. The training makes the CVSO more qualified to provide the maximum benefit for the veteran and brings in more federal benefits. The letter requesting defeat states the bill would have negative effects on the service to veterans of North Dakota. How can proper training and certification of trained CVSO's bring negative effects?
2. **Section 37-18-07 Commissioner – Appointment – Qualifications – Term – Salary**  
In most states, the appointment of the Commissioner of Veterans Affairs is appointed by the Governor and is a member of the governor's staff, reporting to the Chief of Staff. This should not be the function of a committee such as the ACOVA.
3. **Section 37-18-08 Office of commissioner – Where located**  
It makes sense to have the office in the same vicinity of the Governor and the legislature. The old argument by ACOVA was the office has to be near the VA. The Commissioner has very little communication with the VA and has more with the State and legislative issues.
4. **Section 37-18.1-01 Administrative committee on veterans' affairs – Membership**  
This proposal also should be supported. Currently there are too many members on the ACOVA. Unfortunately, at times the veterans' organizations nominate members who have excellent intentions and are veterans' advocates yet do not have the proper knowledge to represent the veterans.

All other proposals to HB 1057 make sense and should remain as is as they pertain to the balance of the proposals. It is unfortunate the Commissioner of Veterans Affairs and

members of the ACOVA and Veterans Coordinating Council did not consult with us (National Service Officers) about the issues addressed in this bill. We work with CVSO's from North Dakota, Minnesota every day and often times with CVSO's from other states. It is blatantly obvious of the huge difference in quality of service provided to veterans. The majority of ND CVSO's from less populated counties need more training. They are well intentioned but don't have the knowledge, skills and abilities to provide sufficient assistance related to VA entitlements. This combined with the Commissioner's lack of ability to evaluate the capabilities and in turn lack of ability to train the CVSO's are severely handicapping service to veterans and limiting the amount of Federal and state aid coming into the communities. Please note, CVSO's from the higher populated counties are well trained and are ready and able to assist veterans.

The request for defeat of HB 1057 by the Veteran's Commissioner and Chairman of ACOVA also show they are threatened by change. The Commissioner's fear of moving the office to Bismarck and the Chairman's fear of losing his "powerful" position on the ACOVA is clear. It becomes even more evident the Commission is opposed to any change as he did not include the tangible gains from passing this bill. Clearly, better training would result in more veterans applying for benefits and bring increased dollars to the state. It would give the CVSO's the ability to apply for Federal benefits from the Veterans Administration in terms of Compensation, Pension, Education, and VA Home Loans to mention a few.

It is disheartening that the North Dakota Department of Veterans Affairs and ACOVA do not fully embrace a minimum standard of training for CVSO's and has not made the necessary changes to improve veteran's services throughout the state. For example last week, we participated in a training session of the recently established North Dakota Military and Family Outreach Program. The outreach specialists immediately identified this ability shortfall. It is outrageous since they have been in existence for only a short period of time and they already recognize a need for change.

We respectfully request your support of passage of HB 1057.

Sincerely,

Greg Seurer, National Service Officer  
Disabled American Veterans

Greg Remus, National Service Officer  
Disabled American Veterans

Dale Ronning, National Service Officer  
Veterans of Foreign Wars

Joy Mikyska, National Service Officer  
Veterans of Foreign Wars

Daniel Dewey, National Service Officer  
AMVETS



The following 2 letters are being sent by Commissioner of Veterans Affairs Lonnie Wangen, the Chairman of the Administrative Committee on Veterans Affairs, and the secretary of the ND Veterans Coordinating Council to various persons involved with Veteran Service work and Veterans Affairs. They are encouraging members of the House to defeat HB 1057.

**Date:**

**To:**

**Re:** HB 1057

Dear Representative \_\_\_\_\_;

In reference to HB1057 we the undersigned would like to voice our concerns as to the effect this bill will have on the Veterans of North Dakota. In reviewing the bill it is our feeling that this bill, if it were to pass, will bring no better service or benefits to the Veterans of North Dakota. It is also our feeling that this bill will have negative effects on the service to Veterans of North Dakota. We would respectfully ask that you contact the House members of the Government and Veterans Affairs committee and ask them to vote this bill down in its entirety.

**Date:**

**To:** Committee on Government and Veterans Affairs. Representatives: Betty Grande-Chairman, Randy Boehning-Vice Chairman, Bill Amerman, Tom Conklin, Stacey Dahl, Glen Froseth, Karen Karls, Jim Kasper, Lisa Meier, Michael R. Nathe, Jasper J. Schneider, Lonny Winrich, Lisa Wolf.

**Re:** HB 1057

Dear Chairman Grande, Vice Chairman Boehning and Committee members;

In reference to HB1057 we the undersigned would like to voice our concerns as to the effect this bill will have on the Veterans of North Dakota. In reviewing the bill it is our feeling that this bill, if it were to pass, will bring no better service or benefits to the Veterans of North Dakota. It is also our feeling that this bill will have negative effects on the service to Veterans of North Dakota. We would respectfully ask that you vote this bill down in its entirety.

**House Bill 1057**

**Testimony**

**Rudy Jenson**

Mr. Chairman and members of the committee, for the record, my name is Rudy Jenson, Chairman of the Administrative Committee on Veterans Affairs.

There are several shortcomings with this proposed piece of legislation. This legislation would create an undue hardship on counties. Many counties are experiencing revenue shortfalls and they cannot afford another unfunded mandate. Under this proposed legislation, the counties would be responsible for the room, board, and travel of the county VSO to attend the training. This is an expense that many counties simply cannot afford.

Also, there are concerns over the \$20,000 general fund appropriation. As it is written, the appropriation would go to the state. However, the burden is still on the counties to fund the expenses for the national training and accreditation of their county VSO. Not only is this legislation an unfunded mandate to the counties, it allocates money to the wrong entity. If this legislation is passed, that money should be going to the counties to help them fund the training, not to the state to help fund the training of two FTEs who don't need the training.

Another downfall of this legislation is the politicization of the position of the Commissioner of the Department of Veterans Affairs. Currently, the Commissioner is chosen by the veterans of North Dakota. Under this legislation, the Commissioner would be appointed by the Governor and thusly opening the positions to many of the same political pressures of that office.

Not only does this legislation throw the head and leadership of the Department in upheaval, the current employees would be forced to make the decision between losing their jobs and leaving their homes. This proposed legislation would move the department from Fargo to Bismarck or Mandan. This could result in losing departmental knowledge and experience, as well as possibly damage the relationship the Department has with the Veterans Administration Hospital; not

to mention the cost associated with moving the entire organization halfway across the state.

Next, the proposed legislation changes the structure of the committee. It would place the Commissioner of the Department of Veterans Affairs as the chairman of the committee. As stated earlier, this proposed legislation places the Commissioner under the control of the governor, thus politicizing the position. By proxy, the entire committee would be politicized by this legislation. Along the same vein, the State Auditor's office recently conducted an audit of this agency. In that report it was written, "... changing the Committee's structure would be disadvantageous to the State's veterans." (Page 17) If nothing else, it is my understanding that the goal of this committee should be to help the state's veterans when possible and should not hamstring their efforts with this legislation.

Essentially, this proposed legislation doesn't help the State's veterans and creates hardships for many people currently involved with assisting the state's veterans. The counties would be responsible for finding money in an already strapped budget to fund an unfunded mandate. It would politicize the office of the Commissioner as well as the Committee of Veterans Affairs. It would force current employees to lose their jobs or move themselves and their families, and makes changes that the State Auditor's office explicitly stated would be disadvantageous to the State's veterans. Overall, this legislation represents the desires of a few to move the department to Bismarck and damages almost every aspect of the organization. These facts coupled with the fact this bill has a fiscal note approaching \$1 million dollars; we can ill afford HB 1057.

Thank you for your time.

---

**HB 1057**

Madam Chairman Grande, Vice- Chairman Boehning and Committee members,

Please allow me to provide testimony and concerns to HB 1057 and the effect it will have on the service to Veterans of North Dakota. I will address this bill by section.

**Section 1. County veterans' service officer - Appointment – Duties.  
(NACVSO Accreditation)**

I am all for good training.

I do not believe that it would be in the Veterans best interest to require all County Veteran Service Officers (CVSO's) accredited only with NACVSO's.

- The Federal VA requires that representatives (CVSO's) have an accreditation to prepare claims. Some information on how this works.
  - Through a VA approved accrediting organization/representative
    - Submitting VA Form 21
    - Many accrediting sources to choose from
      - ND has National Service Officers's from
        - VFW, DAV, AMVETS, American Legion
      - A long list of other accrediting organizations are on the VA website.
      - VA Form 21 Box six "Method of Qualification" choices are
        - Passed VA approved course
        - Passed VA approved examination
        - Experience
- NDDVA Veteran Service Officers have accreditations with
  - American Legion
  - VFW
  - DAV
  - NACVSO's
  - Vietnam Veterans of America
  - Military order of Purple heart
  - NCO of America
- There are many other organizations which can offer our CVSO's accreditation at little or NO COST to the state.
  - American Legion
    - The American Legion is providing accredited training at our April CVSO training. AT NO COST.
      - This does not require the CVSO to use the American Legion as POA
        - It is the Veterans choice of which POA will represent them.

- VFW The ND-DVA is inquiring into having their training during a future conference.
- Trip Training-provided by the federal VA- online.
  - This training is needed in addition to Accreditation to access VA sites.
  - We are looking conducting this training during our spring or fall conferences.
  -
- A variety of organizations should be used to include NACVSO's. We should not elect a single organization to represent our state.
- NDDVA should provide accreditation for CVSO's.
  - I have inquired with the NACVSO's to have one of our VSO's become an accredited trainer with their organization so we could provide their accredited training to CVSO's
    - They do have a program and exam designed for this (According to Bonnie McNeill-Boyt- of NACVSO)
      - They have decided not to utilize this program.
- NACVSO's does not have representation at the National level.
  - VFW, American Legion, AMVETS and DAV have full time National Service officers located at the VARO in Fargo.
  - NACVSO's is run and staffed by County Veteran Service Officers from other states
    - They are growing but currently they have limited training courses to offer as these trainers are full time CVSO's.
    - I have inquired into training for 2009
      - They are booked up.
        - 2010 filling fast
      - Not enough trainers at this time to create more training sessions.
- The ND Department of Veterans Affairs should be the accrediting authority.
  - Coordinating with the VA Office of General Council and the ND CVSO's.
  - Use any organization – accepted by the Federal VA.
  - Keep training in ND if possible.
  - Control cost of training
  - Keep training relevant to ND CVSO's
    - ND CVSO's should have say in training provided.
    - ND Association of County Veteran Service Officers currently has a training committee which determines the training needed and wanted by the CVSO's.
  - Control the training
    - NACVSO's (if bill passes) would have control over what is trained on.
      - North Dakota should have control of training
      - Training money should be kept in North Dakota.

- I am currently working to develop an accreditation program
  - Which would be run by the ND DVA
  - Coordinated and approved by VA Office of General Council
  - Currently working with other state Directors of Veterans Affairs
    - Providing ND with electronic copies of
      - Their Training/accreditation program
      - Accreditation testing
      - Process for setting up state accreditation program.
      - AT No Charge.
- Most CVSO's not qualified under Code of Federal Regulations (CFR)
  - **Title 38: Pensions, Bonuses, and Veterans' Relief** (Copy attached)
  - PART 14—LEGAL SERVICES, GENERAL COUNSEL, AND MISCELLANEOUS CLAIMS

**§ 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys.**

The Assistant General Counsel of jurisdiction or his or her designee will conduct an inquiry and make an initial determination regarding any question relating to the qualifications of a prospective service organization representative, agent, or attorney. If the Assistant General Counsel or designee determines that the prospective service organization representative, agent, or attorney meets the requirements for accreditation in paragraphs (a) or (b) of this section, notification of accreditation will be issued by the Assistant General Counsel or the Assistant General Counsel's designee and will constitute authority to prepare, present, and prosecute claims before an agency of original jurisdiction or the Board of Veterans' Appeals. If the Assistant General Counsel determines that the prospective representative, agent, or attorney does not meet the requirements for accreditation, notification will be issued by the Assistant General Counsel concerning the reasons for disapproval, an opportunity to submit additional information, and any restrictions on further application for accreditation. If an applicant submits additional evidence, the Assistant General Counsel will consider such evidence and provide further notice concerning his or her final decision. The determination of the Assistant General Counsel regarding the qualifications of a prospective service organization representative, agent, or attorney may be appealed by the applicant to the General Counsel. Appeals must be in writing and filed with the Office of the General Counsel (022D), 810 Vermont Avenue, NW., Washington, DC 20420, not later than 30 days from the date on which the Assistant General Counsel's decision was mailed. In deciding the appeal, the General Counsel's decision shall be limited to the evidence of record before the Assistant General Counsel. A decision of the General Counsel is a final agency action for purposes of review under the Administrative Procedure Act, 5 U.S.C. 701-706.

*3rd highlights*

- AD highlights
- (a) *Service Organization Representatives.* A recognized organization shall file with the Office of the General Counsel VA Form 21 (Application for Accreditation as Service Organization Representative) for each person it desires accredited as a representative of that organization. The form must be signed by the prospective representative and the organization's certifying official. For each of its accredited representatives, a recognized organization's certifying official shall complete, sign and file with the Office of the General Counsel, not later than five years after initial accreditation through that organization or the most recent recertification by that organization, VA Form 21 to certify that the representative continues to meet the criteria for accreditation specified in paragraph (a)(1), (2) and (3) of this section. In recommending a person, the organization shall certify that the designee:

(1) Is of good character and reputation and has demonstrated an ability to represent claimants before the VA;

(2) Is either a member in good standing or a paid employee of such organization working for it not less than 1,000 hours annually; is accredited and functioning as a representative of another recognized organization; or, in the case of a county veteran's service officer recommended by a recognized State organization, meets the following criteria:

(i) Is a paid employee of the county working for it not less than 1,000 hours annually;

(ii) Has successfully completed a course of training and an examination which have been approved by a Regional Counsel with jurisdiction for the State, and

(iii) Will receive either regular supervision and monitoring or annual training to assure continued qualification as a representative in the claim process; and

(3) Is not employed in any civil or military department or agency of the United States.

- VA form 21 "Application for Accreditation as Service Organization Representative" (Form attached)
  - Line 7c asks
    - ARE YOU A PAID COUNTY EMPLOYEE: A) WHO WORKS FOR THE COUNTY NOT LESS THAN 1000 HOURS ANNUALLY; B) WHO HAS SUCCESSFULLY COMPLETED VA-APPROVED STATE TRAINING AND EXAMINATION; AND C) WHO WILL RECEIVE REGULAR STATE SUPERVISION AND MONITORING OR ANNUAL TRAINING?

- North Dakota has 25 County Veteran Services Officers that work less than 1000 Hours per year. I have attached a roster of ND CVSO's showing hours worked.
  - Out of the 50 CVSO's
    - 25 work less than 20hours per week, or 1000 hours per year.
    - Of the remaining 25 CVSO's
      - 9 are currently accredited with NACVSO's
      - Leaving 15 eligible CVSO's not accredited with NACVSO's
        - Some of which are accredited through other organizations.
- I have attached a copy of an Attorney Generals opinion by Mike Mullen of North Dakota's Attorney Generals Office.
  - He states that these 25 can not be accredited
- I have attached a copy of a statement from Barbara Brown of the the Federal VA Office of General Council (OGC)

Stating : Your interpretation of 38 C.F.R. §14.629(a)(2)(i) is correct. One of the requirements for accreditation of a county veterans service officer to a State organization is that the individual works for the county at least 1000 hours annually.

Barbara

- This bill would essentially require 25 CVSO's to become accredited by state law which can not by the Code of Federal Regulations.
- Many counties just do not have the funding for this accreditation.
  - There is no appropriation for this training
    - Beyond section 14 of this biennium.
    - Nothing describing who the burden falls on to pay for this expense
      - State or County.
        - After initial training is completed for...
          - Those that fail
          - Do not attend
          - Future replacements of CVSO's
- I surveyed all of the State Directors of Veterans affairs on their accreditation policies
  - 22 of the states responded.
    - 13 of which have state run accreditation
    - None named NACVSO's as sole accrediting authority.
    - Many mentioned more State employees.
- I do not support this section the way it is currently written.
- I would support this section if it were changed to read



- The county veterans' service officer must comply with accreditation requirements as set by the North Dakota Department of Veterans Affairs in compliance with the Federal VA Office of General Council.

If amended, this section could improve benefits and services to the Veterans of North Dakota.

**Section 2:      Government of veterans' home**

This diminishes the Veterans representation through the ACOVA

This section does not improve benefits or services to the Veterans of North Dakota.

**Section 3:      Administrator of veterans' home - Appointment – Qualifications**

This diminishes the Veterans representation through the ACOVA

This section does not improve benefits or services to the Veterans of North Dakota.

**Section 4:      Veterans' home governing board - Membership – Appointment**

This diminishes the Veterans representation through the ACOVA

This section does not improve benefits or services to the Veterans of North Dakota.

**Section 5:      Commissioner - Appointment - Qualifications - Term – Salary  
(Governor Appoints)**

How this currently works: The Governor appoints the members of the Administrative Committee on Veterans Affairs (ACOVA) to three year terms. The members are nominated and voted on by the five service organization VFW, DAV, AMVETS, American Legion and the Vietnam Veterans of America. They send their candidates to the Governor who then makes his choice and appoints the members. The Governor also appoints the Chairman of the ACOVA.

The Commissioner of Veterans Affairs is appointed by and is overseen by the ACOVA and the subcommittee “Administrative Committee on Veterans Affairs”.

- This gives the Veterans of North Dakota a voice in how the services to Veterans are delivered.
- This change could result in a new commissioner with every new Governor.
  - Would take away proficiency of Commissioner.
- This could make the position of Commissioner of Veterans Affairs a political appointment, representing political parties.
  - Could create conflicts between Veterans interests and political interests.

This section does not improve services or benefits to the Veterans of North Dakota

**Section 6:      Office of commissioner - Where located**

Currently the main office of the Commissioner of Veterans Affairs is located in Fargo. This is because the VA Regional Office and Hospital are located here. Incidentally the majority of North Dakota Veterans reside in Cass County. The North Dakota Department of Veterans Affairs also has an office in Bismarck.

- The Commissioner, VSO's and staff should be located near the VA Regional Office (VARO) and Hospital (VAMC) and in the population of the most Veterans.
  - Cass County has highest veteran population in ND.
    - This section would reduce the number of service officers in Cass County.
    - In August of 2008 The Cass County VSO asked for more staff
      - Stating that “Business is Booming”
      - County Commission turned them down.
  - Contacts with the VAMC and VARO staff, experts, supervisors and representatives.
    - It is easy for the Commissioner to coordinate with the VA personnel
      - Coordinate services
      - Coordinate outreach programs
      - Participate in programs

- Face to face meetings with those providing service to the veterans
- Address problems and concerns
- Moving the Office to Bismarck does not provide better service to the Veterans.
- Expenses to move.
  - Staff would need to move with Commissioner
    - Members of Fargo staff work with Commissioner on daily basis
      - Would need to be located with Commissioner
      - If staff is lost
        - Many years of experience lost
        - High cost of turnover
        - Service to Veterans would be negatively effected
- No benefit in Commissioner being at Capital.
  - ACOVA and Coordinating Council
    - In charge of legislation.
    - ND-DVA has a branch office in Bismarck
      - Can serve any needs or representation in Bismarck

This Section does not improve the benefits or services to the Veterans of North Dakota

**Section 7:     Funding authority - Continuing appropriation**

- This removes oversight from the ACOVA.
- Leaves all spending at the discretion of the Commissioner.
- No Veterans Voice on this.

This section does not improve benefits or services to the Veterans of North Dakota.

**Section 8:     Department of veterans' affairs employees - Conservatorship activities prohibited**

The North Dakota Department of Veterans Affairs already has a policy in place. ( Attached at back of packet)

- ACOVA currently has oversight of Department Policies
  - Determining best interest of Veterans
- The current policy (Policy # 103) prohibits employees from serving as a Conservator.
- Proposed changes would allow employees to be conservators
  - Just not for Veterans receiving benefits or services from NDDVA

This section does nothing to improve services or benefits to the Veterans of North Dakota

**Section 9:     Administrative committee on veterans' affairs - Membership -  
Appointment.  
(Committee Size)**

The current membership of the ACOVA is 15. With 3 Ex-officio members (non-voting). Each service organization: VFW, DAV, AMVETS, American Legion and the Vietnam Veterans of America is represented by 3 members. Each voting member is nominated by the service organization and appointed by the Governor to a three year term. The ex-officio members are the Director of the VAMC in Fargo, The director of Job Service North Dakota and the Adjutant General of the ND National Guard.

The ACOVA members are also split into five subcommittees in which they concentrate their efforts

- Department of Veterans Affairs (5)
- Budget Committee (6)
- Post War Trust Fund (6)
- Appeals (6)
- Legislative Committee (5)

This is a reasonable size for this committee

- Gives the ACOVA representation
  - From different organizations
  - From around the state
  - From different demographics
  -
- Most Legislative committees have memberships of comparable size.
  - Government and Veterans Affairs committee (house) has 13 members.
- Gordy Smith, Audit Manager, ND State Auditors Office
  - Conducted audit of ND DVA and ACOVA in 2004?
  - During Interim hearings with PSC
    - June 11, 2008 Mr. Smith stated
      - "The State Auditor's office believes the size of the Administrative Committee on Veterans Affairs is not as significant of an issue as previously reported" (in 2004 audit).
        - Documented on page 2 paragraph 7 of Public Safety Committees minutes from June 11-12 2008.
- The ACOVA has done great things over the past years
  - Have worked hard to become effective and efficient
  - There is not benefit to tearing down an organization that works!
- I discussed group size with a Dr. Evenson of the University of Mary.
  - Dr. Evenson, a professor of Group Dynamics stated.
    - Committees should be relevant to those they represent
      - Most Committees should be at least that of a jury 12+ members.
      - Sub committees, small groups should be 4-6 members in size.

- Enough to divide the work and have close discussions.
- The ACOVA has this design

This section does not provide improved services or benefits to the Veterans of North Dakota.

**Section 10: Chairman - Secretary - Duties - Terms – Meetings  
(Commissioner is Chairman)**

How this currently works.

As described earlier all ACOVA members are selected by their Veterans Service Organizations and appointed by the Governor, the Governor then appoints the Chairman, The chairman then appoints the members of the subcommittees and its' members elect a sub-committee chairman.

- As earlier discussed the Size and structure of the ACOVA is working effectively.
- By placing the Commissioner as Chairman of the ACOVA
  - Takes away voice of Veterans
    - In appeals made to the ACOVA
      - Grants and loan appeals of Commissioners decisions go to ACOVA
      - They would be appealing to a board chaired by the person who made the decision in the first place.
    - The ACOVA is there to represent the Veterans and oversee the
      - NDDVA
      - ND Veterans home
      - To ensure Veterans and their dependents are getting the service and benefits they deserve.
      - The Post War Trust fund.

This Section does nothing to improve the services or benefits for North Dakota's Veterans

**Section 11: Powers and duties of committee**

This takes away virtually all powers and duties of the ACOVA.

- The ACOVA has worked hard and accomplished a lot in the past years.
  - Has implemented recommendation of Gordy Smith.
  - Have spent a lot of time and resources to get where they are
  - ND Auditors office is satisfied with their performance & structure.
- The current system is working. Tearing it down can only have negative affects.

This section does nothing to improve the services or benefits for North Dakota's Veterans

**Section 12: Committee members not to receive compensation - Compensation - Expenses permitted.**

Currently the ACOVA members are reimbursed for travel, lodging and per diem for meals. During the last ACOVA meeting (November) the ACOVA members voted down wanting to be paid.

- They are volunteers
  - Not here for the money.
  - Here for the veterans.

This Section does nothing to improve the services or benefits for North Dakota's Veterans.

**Section 13: DEPARTMENT OF VETERANS' AFFAIRS - TRAINING POSITIONS  
(Two of current FTE as trainers)**

Currently

ND-DVA has three FTE VSO's, one of which also serves as our Women Veterans Coordinator. These Veterans specialists work full time as claims representatives and for many other services to the Veterans. They also conduct training, outreach, presentations to the public and assist CVSO's when requested. They also provide initial training to CVSO's and fill in/help out counties when they have vacant CVSO positions.

- These VSO's do conduct training.
- Do not conduct training full time as this section requests.
  - It would not be effective for the FTE's to conduct training full time.
    - Must keep working with veterans, taking claims
      - To remain proficient
      - Regulations, Benefits and guidelines are always changing.
    - Trainers from other accrediting agencies normally work full time with Veterans benefits.
      - American Legion trainer/accreditor's work full time
        - On National Legion Board
        - Appeals board
        - Veterans issues
      - NACVSO trainers
        - Are full time CVSO's from other states.
- ND-DVA
  - Needs to continue to represent Veterans of North Dakota
    - More claims and needs as war continues.
    - As mentioned earlier Cass County is our largest concentration of Veterans Asking for more VSO's from county and turned down.

The ND DVA needs and supports.

- More FTE positions to concentrate more on VSO training.
- More Training money
- More travel money to get out to the counties.

This section would benefit the Veterans of North Dakota if it added the 2 FTE's to the ND-DVA along with funding to support them.

**Section 14:**    **APPROPRIATION**  
**(\$20,000 for NACVSO)**

As I have testified to the Public Safety Committee during the interim that I would welcome funding to bring this training to ND.

I have researched this and have included the costs in the fiscal note.

I still support appropriations for this training.

I would like to see much more money for ongoing training also.

The NACVSO contract training

- I would want to allow to have this training offered twice.
  - Not all CVSO's may be able to attend when scheduled
- Is not available in 2009
- Limited contracts for 2010
- Would be a 5 day event
  - 3 days of training (M-W) (Wednesday night study group)
  - 1 day of ND-DVA and Association of CVSO arranged briefings and updates (Thursday)
  - Friday would be for testing for accreditation.
  - CVSO's could attend one week long training and not be required to attend the other fall or spring conference.

This section (without the mandatory accreditation) would greatly benefit the Veterans of North Dakota. And I would strongly support it.

**Summary:**

I agree that ND CVSO's need more training, more oversight, more structure and more help. The Larger counties should not be expected to conduct the work of their surrounding counties. I want the NDDVA to be able to provide this for them.

- NDVA needs
  - More FTE's in the regions
    - Close to CVSO's
      - Visit CVSO offices
      - Help with claims.
  - More FTE's for training
    - Become accredited trainers
    - Conduct training with CVSO's
  - More FTE's for support
    - Help CVSO's that need assistance
  - More money for training
    - To bring in the NACSVO's
    - To develop accredited training.
  - More money for travel
    - Coordinate with CVSO's
      - Community outreach
      - Helping veterans with special needs.
  - In 2007 North Dakota received over \$183,242,000.00 in expenditures/benefits from the Federal VA
    - Providing more training, oversight and assistance to the CVSO's would increase these expenditures/benefits for ND Veterans.

This Bill has a three sections (1, 13 and 14) that if slightly changed would be beneficial to the Veterans of ND.

The negative effects of the remaining sections would harm the service to the Veterans of North Dakota.

That is why I am opposing this bill as it is written.



## **Recommendations**

\$183,242,000.00 in federal expenditure brought into ND in 2007 through the VA. Combining North Dakota's 2007 expenditures of about 2,100,000.00 (NDDVA and CVSO's) on veterans this is a return of about \$87 on every dollar spent on Veterans services.

To answer the questions/concerns that are repeatedly brought up about training/accreditation, accountability, productivity, supervision and consistent quality of service to our veterans then the organization needs structure.

- Chain of command
- Regional supervisors/oversight
- Training and quality control support.
- This leads to a few options
- One option
  - 8 Regions in ND with 2 State supervisors
    - Oversee
      - CVSO's
      - Training/qualification of CVSO's
      - Outreach
      - Quality of Claims
      - Tracking veterans
    - State employees would need to have some authority over CVSO's
      - North Carolina has State regional offices which oversee CVSO's
      - Their century code simply states that funding for Veterans Services/Officers by counties needs to be approved by the commissioner of Veterans affairs
        - If County CVSO's are not doing work or in compliance with regulations
          - The Commissioner can inform counties that they are in violation of the Century code and need to fix problem or cease funding.

**Lonnie Wangen**

---

**From:** Mullen, Mike J. [mmullen@nd.gov]  
**Sent:** Friday, January 23, 2009 3:42 PM  
**To:** Wangen, Lonnie L.  
**Subject:** RE: Help with CFR

Dear Lonnie:

Upon reading the regulation, and its interrelated provisions, I agree with your construction of the requirements: a CVSO working less than 1000 hours per year [i.e., a person working at least 20 hours a week for 50 weeks] would not qualify for accreditation.

Let me know if you have any further questions regarding this matter.

Sincerely,

Michael J. Mullen  
Assistant Attorney General

---

**From:** Lonnie Wangen [mailto:lwangen@nd.gov]  
**Sent:** Friday, January 23, 2009 3:03 PM  
**To:** Mullen, Mike J.  
**Subject:** Help with CFR

Mike,  
I am wondering if I could get an opinion on this code.

I want to know if I am correct in reading this. According to the attached CFR Title 38 Part 14.629 "Requirements for accreditation of Service organization representatives; agents; and attorneys.

Looking at the first paragraph and paragraph (a) and subsection (2) and (i).

I interpret this as any of our CVSO's working less than 1000 hours per year could not hold accreditation. Or jurisdiction of the State.

Would that be safe for me to say?

Here is the link: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=3f2cc50079dc9e57975aa30bc2fefda2&rgn=div8&view=text&node=38:1.0.1.1.16.0.162.30&idno=38>

I have also attached a word document of it.

Lonnie Wangen  
Commisioner  
ND DVA  
701-239-7165  
701-239-7166 (fax)  
[lwangen@nd.gov](mailto:lwangen@nd.gov)

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

North Dakota Department of Veterans Affairs is an equal opportunity employer/program provider

2/3/2009

## Lonnie Wangen

---

**From:** Brown, Barbara (OGC) [Barbara.Brown@va.gov] on behalf of OGC Accreditation Mailbox [OGC.AccreditationMailbox@va.gov]  
**Sent:** Tuesday, February 03, 2009 10:23 AM  
**To:** Lonnie Wangen  
**Subject:** RE: Need help As soon as possible

Your interpretation of 38 C.F.R. §14.629(a)(2)(i) is correct. One of the requirements for accreditation of a county veterans service officer to a State organization is that the individual works for the county at least 1000 hours annually.

Barbara

---

**From:** Lonnie Wangen [mailto:lwangen@nd.gov]  
**Sent:** Monday, February 02, 2009 3:20 PM  
**To:** OGC Accreditation Mailbox  
**Subject:** Need help As soon as possible

I am the Commissioner of Veterans affairs for North Dakota. I need to know if I am reading CFR 38 Title 46.629 [specifically subsection (a)(2)(i)] correct about accreditation. The way I read this is that any of our states County Veterans Service Officers would need to work at least 1000 per year to qualify for accreditation to help prepare veterans claims.

Is this correct?

Lonnie Wangen  
Commisioner  
ND DVA  
701-239-7165  
701-239-7166 (fax)  
lwangen@nd.gov

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

North Dakota Department of Veterans Affairs is an equal opportunity employer/program provider

2/3/2009

# NORTH DAKOTA COUNTY VETERANS SERVICE OFFICERS

| COUNTY           | SERVICE OFFICER  | MAILING ADDRESS   | HOURS   | WORK #                                  | Other Accreditation | NACVSO Accredited |    | CVSO's Work hrs per week |          | 2007 VET POP |
|------------------|--|---|---|---|---------------------|-------------------|----|--------------------------|----------|--------------|
|                  |  |   |   |   |                     | 9                 | 15 | 605.5                    | 15,137.5 |              |
| 1 ADAMS          | Arnold K. Scott<br><a href="mailto:arnie@ndsupernet.com">arnie@ndsupernet.com</a>  | Box 686<br>Hettinger 58639  | No regular hours                              |   |                     |                   |    |                          |          | 221 2 1      |
| 2 BARNES         | James Verwey<br><a href="mailto:jverwey@co.barnes.nd.us">jverwey@co.barnes.nd.us</a>   | 230 4th St NW<br>Room 204   | M-F, 8-5                                      | 845-8511                                | V F W               |                   |    |                          |          | 1,115 40     |
| 3 BENSON         | David Daeley   | Box 52<br>Minnewaukan 58351   | W & F, 8-4:30                                 | 473-5451<br>or 473-5324, ext 3          |                     |                   |    |                          |          | 423 16 1     |
| 4 BILLINGS       | Roy A. Basaraba  | 774 13th St W<br>Dickinson 58601  | M-F, 8-5                                      |   | None                |                   |    |                          |          | 123          |
| 5 BOTTINEAU      | Dwight Nahinurk<br><a href="mailto:dnahinurk@ultima.com">dnahinurk@ultima.com</a>  | 411 Main Street, Ste 1<br>Memorial Building                               | M & W, 9-3                                    | 228-3904                                |                     |                   |    |                          |          | 716 12 1     |
| 6 BOWMAN         | Patricia Ann Sadowsky<br><a href="mailto:psadowsky@bwn.midco.net">psadowsky@bwn.midco.net</a>  | Box 3<br>Bowman 58623   | Any time                                      |   |                     |                   |    |                          |          | 235 2 1      |
| 7 BURKE          |  |   |   |   |                     |                   |    |                          |          | 207          |
| 8 BURLEIGH       | Mark Landis<br><a href="mailto:mlandis@nd.gov">mlandis@nd.gov</a>  | Box 5518<br>221 N 5th St  | M-F, 8-5                                      | 222-6698                                |                     | 1                 |    |                          |          | 6,846        |
| 9 CASS           | James Brent<br><a href="mailto:brentj@casscountynodak.gov">brentj@casscountynodak.gov</a><br>Marys Potter (241-5756)<br><a href="mailto:potterm@casscountynodak.gov">potterm@casscountynodak.gov</a> | P.O. Box 2806<br>1010 2nd Ave S   | M-F, 8-5<br>Gov't. Annex                      | 241-5746                                |                     | 1                 |    |                          |          | 10,264       |
| 10 CAVALIER      | Leon Hiltner<br><a href="mailto:lhiltner@nd.gov">lhiltner@nd.gov</a>   | 901 3rd St<br>Langdon 58249   | T & W, 8:30-noon                              | 256-2146                                |                     |                   |    |                          |          | 461 7 1      |
| 11 DICKEY        | Steve C. Frojen<br><a href="mailto:sfrojen@drtel.net">sfrojen@drtel.net</a>  | Box 388<br>Oakes 58474-0388<br>309 2nd Avenue - Ellendale - Wed, 8-4:30 - | 12:30-4:30, M,T,Th,F                          | 742-2223                                | V F W               |                   |    |                          |          | 484 24       |
| 12 DIVIDE        | Roman Fettig<br><a href="mailto:roman.fettig@sendit.nodak.edu">roman.fettig@sendit.nodak.edu</a>   | Box 143<br>Crosby 58730   | Flexible                                      | 694-2711                                |                     |                   |    |                          |          | 229 2 1      |
| 13 DUNN          | Leslie Ross<br><a href="mailto:lross@nd.gov">lross@nd.gov</a>  | Box 130<br>Courtthouse  | Sept-April M-F, 8-5<br>May-Aug M-F, 7:30-4:30 | 456-7654                                |                     |                   |    |                          |          | 298          |
| 14 EDDY          | Alan Knattenud<br><a href="mailto:alans@stellarnet.com">alans@stellarnet.com</a>   | 505 1st Ave S<br>New Rockford 58356                                       | No regular hours                              |   |                     |                   |    |                          |          | 239 2 1      |
| 15 EMMONS        | Jeff Ohlhauser<br><a href="mailto:johlhauser@nd.gov">johlhauser@nd.gov</a>   | PO Box 272<br>Linton 58552  | M-T, 8-4:30<br>W, 8-noon                      | 254-5410                                | none                |                   |    |                          |          | 358 20       |
| 16 FOSTER        | Corean Swart<br><a href="mailto:cswart@nd.gov">cswart@nd.gov</a>   | PO Box 80<br>Courtthouse  | Wed, 9-11:30<br>Thurs, 12:30-4:30             | 652-2170                                |                     |                   |    |                          |          | 284 6.5 1    |
| 17 GOLDEN VALLEY | Harvey Peterson<br><a href="mailto:hpeterson@midstate.net">hpeterson@midstate.net</a>  | PO Box 904<br>Beach 58621-0904  | By appointment                                | Cell: 872-6049<br>Legion Club: 872-4362 |                     |                   |    |                          |          | 205 2 1      |
| 18 GRAND FORKS   | Barbara Zavala<br><a href="mailto:barbara@nd.gov">barbara@nd.gov</a>   | Box 5547<br>Grand Forks 58206   | M-F, 8-5                                      | 780-8296                                | NACVSO only         | 1                 |    |                          |          | 6,516        |

# NORTH DAKOTA COUNTY VETERAN SERVICE OFFICERS

| COUNTY | SERVICE OFFICER | MAILING ADDRESS                              | HOURS                          | WORK # | Other Accreditation | NACVSO Accredited | 2007 VET POP | Wages per week | CVSO's Less than 1000 hrs |
|--------|-----------------|--|--------------------------------|--------|---------------------|-------------------|--------------|----------------|---------------------------|
|        | 50 CVSO's in ND | 1000 or more hours, not accredited w/ NACVSO | 1000 or more =hours accredited |        |                     | 9                 | 605.5        | 15.1375        | 25                        |

50 CVSO's in ND

1000 or more hours, not accredited W/ NACVSO

1000 or more =hours accredited

|    |           |   |                                      |                              |   |                       |      |       |    |   |
|----|-----------|---|--------------------------------------|------------------------------|---|-----------------------|------|-------|----|---|
| 19 | GRANT     | <a href="mailto:barb.zavala@gfcounty.com">barb.zavala@gfcounty.com</a>                            | County Office Bldg                   |                              |   |                       |      |       |    |   |
|    |           | Jack Heyne<br><a href="mailto:jheyne@nd.gov">jheyne@nd.gov</a>                                    | Box 48<br>Courthouse                 | Carson 58529                 | T, W, & Th, 1-4   | 622-3693              |      | 264   | 9  | 1 |
| 20 | GRIGGS    | Dennis Kubischta<br><a href="mailto:dink@jctc.com">dink@jctc.com</a>                              | 13474 4th St SE                      | Hope 58046                   | 2nd & 4th Thur, 9-12  | 797-3717              |      | 258   | 2  | 1 |
| 21 | HETTINGER | Kay Zenker<br><a href="mailto:hettingercountyvso@hotmail.com">hettingercountyvso@hotmail.com</a>  | 11376 72nd St SW                     | Regent 58650                 | No regular hours  | 563-4797              |      | 319   | 2  | 1 |
| 22 | KIDDER    | A.G. Skip Thomas<br><a href="mailto:agthomas@nd.gov">agthomas@nd.gov</a>                          | Box 225                              | Steele 58482                 | Mon, 9-5  | 475-2632<br>ext. 9226 |      | 253   | 8  | 1 |
| 23 | LAMOURE   | Michial Johnson<br><a href="mailto:mjohnso@nd.gov">mjohnso@nd.gov</a>                             | Box 128<br>202 4th Ave NE            | LaMoure 58458                | M-F, 8:30 - 4:30  | 883-5301              | none | 348   | 40 |   |
| 24 | LOGAN     | James J. Hiltzenderger<br><a href="mailto:jhiltzend@nd.gov">jhiltzend@nd.gov</a>                  | PO Box 38<br>301 Bdwy                | Napoleon 58561<br>Courthouse | M-F, 8:30-4:30  | 754-2239              | none | 174   | 40 |   |
| 25 | McHENRY   | Francis R. Hoynes<br><a href="mailto:redhoyv@srt.com">redhoyv@srt.com</a>                         | Box 93                               | Towner 58788                 | Wed, 9-11 & 1-3<br>on call other days                       | 537-5724              |      | 597   | 4  | 1 |
| 26 | McINTOSH  | L. Pete Keaveny<br><a href="mailto:pam@bektel.com">pam@bektel.com</a>                             | 23 N 7th<br>19 N Centennial - office | Wishek 58495                 | Wishek, no regular hrs-<br>Ashley, 2nd Fri, 10-2 - 288-3589 | 452-4336              |      | 225   | 2  | 1 |
| 27 | McKENZIE  | Jerry Samuelson<br><a href="mailto:jsamuelson@co.mckenzie.nd.us">jsamuelson@co.mckenzie.nd.us</a> | Box 1036                             | Watford City 58854           | M-F, 8-5  |                       | none | 572   | 40 |   |
| 28 | McLEAN    | Todd Schreiner<br><a href="mailto:tschreiner@nd.gov">tschreiner@nd.gov</a>                        | Box 1108                             | Washburn 58577-1108          | M-F, 8-4:30   | 462-8541<br>ext. 204  | none | 897   | 40 |   |
| 29 | MERCER    | Gerald Beck<br><a href="mailto:gbeck@nd.gov">gbeck@nd.gov</a>                                     | PO Box 39<br>Courthouse              | Stanton 58571                | M & T, 7-3  | 745-3392              |      | 870   | 14 | 1 |
| 30 | MORTON    | Ronald Otto<br><a href="mailto:rofto@nd.gov">rofto@nd.gov</a>                                     | 210 2nd Ave NW<br>Courthouse         | Mandan 58554                 | M-F, 8-5  | 667-3365              | 1    | 2,464 |    |   |
| 31 | MOUNTRAIL | Gene H. "Skip" Wing<br><a href="mailto:ghw@midstate1tel.com">ghw@midstate1tel.com</a>             | PO Box 421<br>120 S Main St          | Stanley 58784                | M-F, 8:30-5:00  | 628-2063              | none | 645   | 40 |   |
| 32 | NELSON    | Stacy Twete<br><a href="mailto:sttwete@nd.gov">sttwete@nd.gov</a>                                 | 210 B Ave W, Ste 202                 | Lakota 58344                 | T, W, Th 8:30 - 4<br>call for appointments                  | 247-2531              |      | 434   | 21 |   |
| 33 | OLIVER    | Ronald Otto<br><a href="mailto:rofto@nd.gov">rofto@nd.gov</a>                                     | PO Box 188<br>Courthouse             | Center 58530                 | 2nd & 4th T, 8:30-4   | 794-3404              |      | 153   |    |   |
| 34 | PEMBINA   | Ronald Berg<br><a href="mailto:ronberg@nd.gov">ronberg@nd.gov</a>                                 | 308 Courthouse Dr, #11               | Cavalier 58220-4100          | T, 1-5; W & Th, 9-5<br>M & F -- on call                     | 255-4460              | None | 902   | 12 | 1 |
| 35 | PIERCE    | Larry Fjellanger<br><a href="mailto:lfjellan@nd.gov">lfjellan@nd.gov</a>                          | PO Box 258<br>Courthouse             | Rugby 58368                  | M.T, W, 9-5   | 776-6841<br>ext 2     |      | 498   | 24 |   |
| 36 | RAMSEY    | Earl H. Hanson<br><a href="mailto:ehanson@gondtc.com">ehanson@gondtc.com</a>                      | 524 4th Ave #17                      | Devils Lake 58301            | Mon, 8-5; T & W, 8-1<br>answering machine other days        | 662-7048              |      | 783   | 18 | 1 |

# NORTH DAKOTA COUNTY VETERAN SERVICE OFFICERS

| COUNTY | SERVICE OFFICER | MAILING ADDRESS | HOURS | WORK # | Other Accreditation | NACVSO Accredited | 2007 VET POP | CVSO's   |                    |
|--------|-----------------|-----------------|-------|--------|---------------------|-------------------|--------------|----------|--------------------|
|        |                 |                 |       |        |                     |                   |              | per week | Less than 1000 hrs |

1000 or more hours, not accredited W/ NACVSO

1000 or more =hours accredited

|    |          |  |                             |                      |  |      |                 |    |   |
|----|----------|--|-----------------------------|----------------------|--|------|-----------------|----|---|
| 37 | RANSOM   | Tom McKinnon<br><a href="mailto:tmckinnon@nd.gov">tmckinnon@nd.gov</a>                             | PO Box 830<br>Courthouse    | Lisbon 58054         | T & Th, 8:30-5:00<br>Wed - Veterans Home - 683-6500                  |      | 565             | 16 | 1 |
| 38 | RENVILLE | William Allen<br><a href="mailto:gdandba@srt.com">gdandba@srt.com</a>                              | Box 481                     | Mohall 58761         | Any time   |      | 292             | 2  | 1 |
| 39 | RICHLAND | William B. Peschel<br><a href="mailto:bpeschel@co.richland.nd.us">bpeschel@co.richland.nd.us</a>   | 418 2nd Ave N<br>Courthouse | Wahpeton 58075       | M-F, 8-5   | None | 1,211           |    |   |
| 40 | ROLETTE  | Gordon Boucher   | Box 939                     | Rolla 58367          | Thursday, 9 - 4:30   |      | 948             | 8  | 1 |
| 41 | SARGENT  | Norman E. Preble<br><a href="mailto:npreble@nd.gov">npreble@nd.gov</a>                             | 355 Main St S, Ste 8        | Forman 58032         | T - W - Th,<br>9-12 & 12:30-4:30<br>ext 8                            | None | 362             | 24 |   |
| 42 | SHERIDAN | James Paulus<br><a href="mailto:SheridanVSO@gondtc.com">SheridanVSO@gondtc.com</a>                 | 1571 11th Ave NE            | Denhoff 58430        | No regular hours   |      | 161             | 2  | 1 |
| 43 | SIoux    | Giles Heinen<br><a href="mailto:swaliser@nd.gov">swaliser@nd.gov</a>                               | Box L                       | Fort Yates 58538     | Monday, 9-1  |      | 356             | 4  | 1 |
| 44 | SLOPE    | Ernie Holzemer<br><a href="mailto:holzerncorners@ndsupernet.com">holzerncorners@ndsupernet.com</a> | 13910 64th St SW            | Amidon 58620-9657    | Anytime  |      | 52              | 2  | 1 |
| 45 | STARK    | Leslie Ross<br><a href="mailto:lross@nd.gov">lross@nd.gov</a>                                      | Box 130<br>Courthouse       | Dickinson 58602-0130 | Sept-April M-F, 8-5<br>May-Aug M-F, 7:30-4:30                        |      | 2,109           |    |   |
| 46 | STEELE   | Dennis Kubischta<br><a href="mailto:dnk@icfc.com">dnk@icfc.com</a>                                 | 13474 4th St SE             | Hope 58046           | Anytime  |      | 250             | 2  | 1 |
| 47 | STUTSMAN | Warren, Robin<br><a href="mailto:wtobin@nd.gov">wtobin@nd.gov</a>                                  | 205 6th St SE, LEC          | Jamestown 58401      | M-F, 8-5   |      | 1,920           |    |   |
| 48 | TOWNER   | John "Jack" Freund<br><a href="mailto:jackfrnd@hotmail.com">jackfrnd@hotmail.com</a>               | Box 279                     | Cando 58324          | T, W & Th, 9-5   | none | 278             | 24 |   |
| 49 | TRAILL   | Les Ashe<br><a href="mailto:les.ashe@co.trail.nd.us">les.ashe@co.trail.nd.us</a>                   | PO Box 785                  | Hillsboro 58045      | T & W, 8-4:30<br>Mayville - Thurs, 8:30-11:30<br>Halton - Thurs, 1-4 |      | 826             |    |   |
| 50 | WALSH    | Tom J. Gerszewski<br><a href="mailto:togerszewski@nd.gov">togerszewski@nd.gov</a>                  | 638 Cooper Ave, Ste 5       | Grafton 58237        | M - W, 8-4:30<br>Thurs, 8-2:30                                       | none | 1,209           | 30 |   |
| 51 | WARD     | Dale Braun<br><a href="mailto:wardvets@yahoo.com">wardvets@yahoo.com</a>                           | PO Box 5005                 | Minot 58702-5005     | M-F, 8-4:30  |      | 5,545           |    |   |
| 52 | WELLS    | Dean Johnson<br><a href="mailto:djohnso7@aamfam.com">djohnso7@aamfam.com</a>                       | 713 Lincoln Ave             | Harvey 58341         | M-F, 9-5   | none | 437             | 40 |   |
| 53 | WILLIAMS | Robert Evans<br><a href="mailto:bobe@co.williams.nd.us">bobe@co.williams.nd.us</a>                 | Box 2047<br>Courthouse      | Williston 58802-2047 | M-F, 8-5:00  |      | 1,883<br>58,283 |    |   |

Accreditation: Survey of states.

| State    | Require accreditation |              | Other                     | Who Pays |        | Problems/Notes  |
|----------|-----------------------|--------------|---------------------------|----------|--------|---|
|          | NACVSO                |              |                           | State    | County |   |
| Colorado | No                    | 10<br>CVSO's | No state<br>accreditation |          |        | Colorado has 50 county service officers, about 10 have received there accreditation from NACVSO. As a result I was able to have them cross-accredited by the Feds. This proved very helpful as we then were able to get them TRIP trained and they now have a stand-alone computer and have access to much of the same VA info as our state service officers.   |
| Florida  | yes                   | NO           | State Accredits           | yes      |        | Florida does not have a requirement to have accreditation of CVSOs by the NACVSO organization. We have a very well defined process for both the initial accreditation of CVSOs as well as the annual recertification. Florida law (FS 292.11) directs the Florida Department of Veterans' Affairs (FDVA) to establish the training program for new CVSOs and administer a test which must be successfully completed prior to FDVA certifying the CVSOs to the U.S. Department of Veterans' Affairs (USDVA). In addition to the initial training and testing, CVSOs are required to attend annual training and retest each year in order to maintain their accreditation. The Florida Department of Veterans' Affairs is responsible for both the initial accreditation as well as the annual recertification. |

|         |                     |    |                 |     |  |   |
|---------|---------------------|----|-----------------|-----|--|---|
|         |                     |    |                 |     |  | Georgia does not have County Service Officers, therefore we do not need accreditation by the NACVSO. Our benefits counselors work for Commissioner Wheeler as employees of the State of Georgia. They are located in the Claims Division at the Atlanta VA Regional Office and at 47 Field Offices throughout the state. They are accredited by the state, the American Legion, VFW, American Red Cross, American Ex-Prisoners of War, Fleet Reserve Association, Jewish War Veterans, Non-Commissioned Officers Association, and the Retired Enlisted Association. A report is okay. |
| Georgia | All State Employees | NO |                 | yes |  |   |
| II      | Yes-State VSO only  | NO | State Accredits | yes |  | State VSO's only  |



|    |                         |    |                |  |  |  |
|----|-------------------------|----|----------------|--|--|--|
|    |                         |    |                |  |  | <p>Here are the step we use for our state service officer.</p> <ul style="list-style-type: none"> <li>- Once hires a request is sent to the Local VA Regional Office to request on-line VA TRIP training.</li> <li>- Service officer then has 10 days to open the training on line and 45 days to complete the training with a passing grade of 70% or better.</li> <li>- VA from 21 is then fill out, sign by your Director and mail to the following address for accreditation by the Federal VA. Department of Veterans Affairs Office of the General Counsel (Attn: David R. McLenachen) Washington D.C. 20420</li> <li>- Our VSO's also receive 30 days of on the job training with a seasoned VSO and we conduct a one week training with all the VSO's on an annual basis.</li> </ul> |
| is | Yes-State VSO only      | No | IDVA and USDVA |  |  | Indiana – No. CVSO are not accredited.   |
| I  | No                      |    |                |  |  |  |
| as | No- all State employees | no |                |  |  | <p>There are two issues here first, Kansas does not have County Veteran Services Officers rather our VSRs are either State employees or hired by the veteran service organizations participating in our grant program so the issues may not apply to us. Second, Kansas does not require accreditation by the NACVSO.</p> <p>However, NACVSO does provide our annual training and as a result all staff are eligible for accreditation. We do have a state membership in the organization and currently pay the VSRs membership so they can be accredited</p>  |

|               |     |    |                |  |  |  |
|---------------|-----|----|----------------|--|--|--|
| Kentucky      | No  | No | KDVA           |  |  | Kentucky has all state employees and we are accredited. Only 2 of our 120 counties have County Service Officers and we train, test and accredit them even though it isn't required by law. We are not affiliated with NACVSO what-so-ever.   |
| Maine         | yes |    | State of Maine |  |  | <u>We do not have CVSO's in Maine we have State VSO's and they are accredited through the State of Maine.</u>  |
| Massachusetts | No  | NO |                |  |  | <b>Lonnie, in Massachusetts we have no laws or regulations governing the accreditation of VSOs. We are unique in that each of the 351 cities and towns is mandated to employ a VSO to take care of the veterans in the community. Towns with a population of over 12,000 must make this a full time position. These are all municipal employees. We train the VSOs when they assume the job and hold training mandated by law at least annually. We do not certify except to say that the VSO attended training. We train them in federal as well as state programs. Some of them receive certification from service organizations or the VA. In most cases, the local VSO will start a federal claim, then send to my office where we have about four certified employees who finish the claim and send to the VA. Or the local VSO can suggest the veteran work with a service organization.</b> |

|           |    |    |                          |  |  |  |
|-----------|----|----|--------------------------|--|--|--|
| Minnesota | No | No | State does Accreditation |  |  | Minnesota does not currently require CVSOs to be accredited. We do, however, have a certification process in place that CVSOs must complete annually to be eligible for CVSO Operational and Enhancement Grants. Requirements for certification include earning nine credit points per year through attendance of seminars, training, etc., and passing an annual certification exam. We are in the process of looking at NACVSO to provide this certification for us, but at this time we are not considering making the certification mandatory. |
|-----------|----|----|--------------------------|--|--|--|

|             |                    |    |                                       |  |  |  |
|-------------|--------------------|----|---------------------------------------|--|--|--|
|             |                    |    |                                       |  |  | <p>Mississippi does not have such a requirement. Our state employee VSO's are not accredited to NACVSO but rather to American Legion, American Red Cross, VFW, etc..</p> <p>Our county veteran service officer as a rule are not accredited to any national veterans service organization.</p> |
| Mississippi | Yes-State VSO only | NO | State Accredited by VFW, A.Legion etc |  |  |  |
| Montana     | Yes-State VSO only |    | American Legion                       |  |  | <u>No CVSO's in Montana all state VSO's</u>  |

|            |                    |  |       |  |  |
|------------|--------------------|--|-------|--|--|
| New Jersey | Yes-State VSO only |  | USDVA |  | <p>(employees) veteran service officers (SVSOs) who work in each of our counties assisting Veterans file claims and assist with other state and federal benefits. Many, but not all, of our counties also have county (employees) veterans service officers (CVSOs) who provide similar assistance. The county employees belong to NACVSO. My state employees do not (unless they choose to join on their own). Some of my SVSOs were CVSOs prior to coming to work for me.</p> <p>We also have three SVSOs who work at either the (1) Philadelphia, PA or (2) Newark, NJ VA Regional Offices shepherding our claims through the VA system. Additionally, I have one VSO/Navigator/Ombudsman who links our department to other State Departments and Agencies for the process of getting veterans service and benefits which they are entitled to because they are NJ residents. Finally, I have two VSO's who are supervisors/trainers for the SVSOs previously mentioned. My SVSOs are accredited by the USDVA. I have at times sent a new</p> |
|------------|--------------------|--|-------|--|--|

|          |    |    |  |  |  |   |
|----------|----|----|--|--|--|---|
| New York | No | No |  |  |  | <p>Lonnie, here in New York we operate very close to the New Jersey model, as Steve describes. We too have a statewide Veterans Counselor network working in nearly all of the 62 counties. They are state employees and function along the same lines as New Jersey. Like New Jersey, most counties in New York (and some cities, actually) maintain a County Veterans Service Agency Director. The state provides each with a degree of funding (through us). We do not accredit CVSO staff, but offer our quarterly training (refresher and basic) to them to help keep them up-to-date with the myriad of changes occurring in our line of work. We have an Intake Staff (5 state employees) in each of the two ROs in New York - NYC and Buffalo - that help develop / QC claims inbound and document rating decisions outbound.</p> |
|----------|----|----|--|--|--|---|

|   |     |    |       |     |   |
|---|-----|----|-------|-----|---|
|   |     |    |       |     | <p>Does it name the NACVSO's as the accrediting authority? NO<br/>Has this been helpful? If so-how?<br/>N/A</p> <p>Who pays for it- state or county?<br/>We are responsible for providing annual trng to the CVSO....accreditation is part of that trng... Thus, we pay for accreditation.<br/>Has it caused any problems?- please answer this with specifics if so<br/>NO<br/>If not the NACVSO as mandatory accreditors-Who accredits?<br/>Pennsylvania CVSO have to be accredited ...We Accredited through the PA Office of Veterans Affairs<br/>If you answer these questions- would you mind if I make a report to share with all the states?<br/>NO</p> |
| Pennsylvania  | Yes | NO | PADVA | yes |   |
| South Carolina  | Yes | No | SCDVA |     | SC Law requires our office to accredit the state's 46 county veterans affairs officers. We use the American Legion for Power of Attorney.   |
| South Dakota  | No  |    |       |     |   |
| Tennessee-per phone call 1/23/2009 Don- Assistant director. | yes | no | TDVA  | yes | <p><u>CVSO's with 1000hrs or more per year-quarterly training.</u> Have certifying program through TDVA. Annual signed by TDVA and VA rep. Training and certify all CVSO's SVSO oversees group of CVSO's.95 counties-82 CVSO's, 14 offices throughout the state. Plus and office at each VAMC.</p>  |

|               |                    |    |  |     |   |  |
|---------------|--------------------|----|--|-----|---|--|
|               |                    |    |  |     |   | <p>requirement that VCSO be accredited. All of our 73 State employee Veterans Assistance Counselors are accredited with the State and at least one NSO. The State of Texas has an accreditation program for VCSO who meet the requirements specified by VA (of the 230 VCSO's in Texas around 40 are accredited with TVC). That is, they are the accredited representatives of The Texas Veterans Commission (TVC). The NSO's like the American Legion, VFW etc. also accredit some county service officers, although they are very few. Most of the county service officers in Texas are not accredited with anyone. Everyone who is accredited completes VA TRIP training.</p> <p>Our State does mandate that they meet minimum training requirements. That training is provided by the TVC twice a year at training conferences as refresher training and all new VCSO's must attend a one week long initial training session which is also conducted twice a year. The</p> |
| Texas         | Yes-State VSO only | NO | State Accredits and each state VSO cross accredited with NSO, VFW, etc | yes |   |  |
| West Virginia | NO                 |    |  |     |   | <u>Currently West Virginia does not have any County Service Officers</u>   |
| Wisconsin     | NO                 |    | State Accredits  |     |   | <u>Keith Gwinn</u>   |
|               |                    |    | any VA recognized accredited organization, VFW, A. Legion etc.         |     |   |  |
| Wyoming       | Yes-State VSO only | No |  | yes | y |  |
|               |                    |    |  |     |   |  |



VACUO - all

|                      |             |    |            |  |
|----------------------|-------------|----|------------|--|
| Williams, Mildred    | Laurinburg  | NC | 28353      |  |
| Ashe, Leslie S       | Hillsboro   | ND | 58045      |  |
| Bengtson, Roger E    | Fargo       | ND | 58102      |  |
| Braun, Dale E        | Minot       | ND | 58702-5055 |  |
| Brent, James G       | Fargo       | ND | 58108-2806 |  |
| Brent, James G       | Fargo       | ND | 58108-2806 |  |
| Helmer, Betty A      | Fargo       | ND | 58106-9003 |  |
| Landis, Mark J       | Bismarck    | ND | 58506-5518 |  |
| Lang, Donna J        | Bismarck    | ND | 58506-5518 |  |
| Lende, Chanell B     | Fargo       | ND | 58108      |  |
| Munsch, Cindy        | Bismarck    | ND | 58506-5518 |  |
| Otto, Ronald D       | Mandan      | ND | 58554      |  |
| Saddler, Thomas M    | Grand Forks | ND | 58206-5547 |  |
| Tobin, Warren J      | Jamestown   | ND | 58401      |  |
| Vandrovec, Michael J | Fargo       | ND | 58108      |  |
| Westensee, Cathy J   | Grand Forks | ND | 58206-5547 |  |
| Zavala, Barbara J    | Grand Forks | ND | 58206-5547 |  |
| Baker, Jeffrey M     | Seward      | NE | 68434      |  |
| Ballweg, Joseph E    | Hastings    | NE | 68902      |  |
| Bomberger, Linda L   | Broken Bow  | NE | 68822      |  |

**STATE OF NORTH DAKOTA  
DEPARTMENT OF VETERANS AFFAIRS  
DEPARTMENT POLICIES**

---

**SUBJECT:** Conservatorships / Guardianships

**POLICY NO:**  
103

**DISTRIBUTION:** Department Personnel

**EFFECTIVE:**  
ACOVA Mtg  
11/2007

**PAGE NO:**  
1 of 1

---

No employee, including the commissioner, shall serve as a conservator or guardian.

Exceptions to this policy fall under N.D.C.C. 30.1-27, Guardians of Minors and/or in family situations.

It is the position of the Administrative Committee on Veterans' Affairs that the Department of Veterans' Affairs not implement a conservatorship program, but instead, continue efforts to include such a program in the state's guardianship program.

Attachment #6

Commander Quam testimony before the Government & Veterans Affairs  
Committee  
February 5, 2009

Distinguished members of the Committee, my name is Carroll Quam. I am the State Commander of the North Dakota American Legion, representing roughly 19,000 wartime veterans of our state. Let me first thank you for allowing me the opportunity to testify today on House Bill 1057.

Let me start by stating that our organization is governed by its membership. I, as the State Commander cannot, on my own, decide whether our organization will or will not support any particular legislation. We must have a resolution either from our State Convention or our Department executive Committee. If our organization does not have a resolution, then we have no official position. I suspect our fellow veterans organizations are governed in the same way. The American Legion, at its state convention last June voted to not support what has become House Bill 1057. As you all know, the North Dakota Veterans Coordinating Council, representing members of the Legion along with the AMVETS, Disabled American Veterans, Veterans of Foreign Wars and the Vietnam Veterans of America voted unanimously not to endorse 1057. Therefore, while others may testify in support of this bill, they do not do so as representatives of any of the Council member organizations. There are several reasons the Legion doesn't support this bill. I will highlight some of our concerns.

37-14-18-While we wholeheartedly agree that training is essential for our County Veteran Service Officers; we do not support this section because it dictates specifically who will do the training. There are several organizations that could conduct quality training for our CVSO's. This bill limits access to training. We understand the Commissioner has requested additional funds for training and we would ask the Committee to support that request.

Section 4-We oppose this amendment as it creates a new board that is unnecessary. The ACOVA members are individuals with vast knowledge and experience with veteran issues. While there may have been some bumps with their administration, overall, they have done a good job. It simply doesn't need to be changed. As far as compensation expenses are concerned, the members of ACOVA have for years volunteered their

services. I'm quite certain they are willing to continue that. This section isn't needed.

37-18-07-We oppose this section because again, ACOVA has for many years done a great job of choosing a Commissioner. We do not want to take the chance of the Commissioner position becoming political. Our veterans cannot afford to have this position played with. It's too important for our veterans.

37-18-08-The Commissioner's office has been in Fargo for many years. We do not need to change it. With today's modern communication, it really doesn't matter where the Commissioner's office is located, so leave it in Fargo near the VA.

37-18.1-01 and 02-We oppose these sections. The ACOVA makeup now represents a wide spectrum of veteran concerns. For the most part it has worked well. It doesn't need changing.

Section 13-We also are opposed to this section. In our opinion the Department cannot afford to essentially lose two existing FTE. The claims office of the Department needs to be fully manned at all times. The number of claims and the complexity of those claims are increasing dramatically. We recommend the Committee affirm the Commissioners budget request for an additional FTE for training.

Section 14-As we noted above we support the Commissioners request for additional funding for training.

That concludes my testimony. I would be happy to answer any questions.

# Geographic Distribution of A Expenditures for FY 07

ND

(Expenditures in \$000s)

| County/Congressional District | \$ per Veteran | Veteran Population | Total Expenditures | Comp/Pension |
|-------------------------------|----------------|--------------------|--------------------|--------------|
| Golden Valley                 | \$11,565.00    | 205                | \$ 2,371           | \$ 151       |
| Slope                         | \$5,865.00     | 52                 | \$ 305             | \$ 80        |
| Ransom                        | \$5,530.00     | 565                | \$ 3,125           | \$ 1,250     |
| Cass                          | \$5,127.00     | 10,264             | \$ 52,631          | \$ 18,419    |
| Benson                        | \$4,300.00     | 423                | \$ 1,819           | \$ 1,132     |
| Trail                         | \$4,182.00     | 826                | \$ 3,455           | \$ 1,485     |
| Mountrail                     | \$4,119.00     | 645                | \$ 2,657           | \$ 1,339     |
| Oliver                        | \$3,895.00     | 153                | \$ 596             | \$ 321       |
| Ramsey                        | \$3,754.00     | 783                | \$ 2,940           | \$ 1,577     |
| Burke                         | \$3,657.00     | 207                | \$ 757             | \$ 293       |
| Walsh                         | \$3,626.00     | 1,209              | \$ 4,384           | \$ 1,334     |
| Richland                      | \$3,470.00     | 1,211              | \$ 4,203           | \$ 1,662     |
| McIntosh                      | \$3,462.00     | 225                | \$ 779             | \$ 235       |
| Eddy                          | \$3,380.00     | 239                | \$ 808             | \$ 381       |
| Emmons                        | \$3,363.00     | 358                | \$ 1,204           | \$ 711       |
| Adams                         | \$3,357.00     | 221                | \$ 742             | \$ 310       |
| Logan                         | \$3,327.00     | 174                | \$ 579             | \$ 254       |
| Griggs                        | \$3,310.00     | 258                | \$ 854             | \$ 346       |
| Dunn                          | \$3,268.00     | 298                | \$ 974             | \$ 534       |
| Bowman                        | \$3,246.00     | 235                | \$ 763             | \$ 318       |
| Dickey                        | \$3,138.00     | 484                | \$ 1,519           | \$ 613       |
| LaMoure                       | \$3,054.00     | 348                | \$ 1,063           | \$ 446       |
| Barnes                        | \$3,044.00     | 1,115              | \$ 3,395           | \$ 1,565     |
| Stutsman                      | \$3,007.00     | 1,920              | \$ 5,775           | \$ 2,978     |
| Sargent                       | \$3,002.00     | 362                | \$ 1,087           | \$ 510       |
| Renville                      | \$2,924.00     | 292                | \$ 854             | \$ 414       |
| Nelson                        | \$2,887.00     | 434                | \$ 1,253           | \$ 675       |
| Sioux                         | \$2,882.00     | 356                | \$ 1,026           | \$ 794       |

Above average = green

Below Average = red

Certified = yellow

Attach ment #7

# Geographic Distribution of A Expenditures for FY 07

ND

(Expenditures in \$000s)

|             |              |       |    |              |    |             |
|-------------|--------------|-------|----|--------------|----|-------------|
| Steele      | \$2,864.00   | 250   | \$ | 716          | \$ | 372         |
| Rolette     | \$2,785.00   | 948   | \$ | 2,641        | \$ | 1,749       |
| Kidder      | \$2,770.00   | 253   | \$ | 701          | \$ | 396         |
| Ward        | \$2,742.00   | 5,545 | \$ | 15,206       | \$ | 11,351      |
| Pembina     | \$2,623.00   | 902   | \$ | 2,366        | \$ | 1,293       |
| Pierce      | \$2,592.00   | 498   | \$ | 1,291        | \$ | 673         |
| Towner      | \$2,510.00   | 278   | \$ | 698          | \$ | 318         |
| McLean      | \$2,492.00   | 897   | \$ | 2,236        | \$ | 1,404       |
| Grand Forks | \$2,453.00   | 6,516 | \$ | 15,985       | \$ | 9,447       |
| Grant       | \$2,428.00   | 264   | \$ | 641          | \$ | 327         |
| McKenzie    | \$2,365.00   | 572   | \$ | 1,353        | \$ | 758         |
| Williams    | \$2,352.00   | 1,883 | \$ | 4,429        | \$ | 2,225       |
| Foster      | \$2,320.00   | 284   | \$ | 659          | \$ | 355         |
| Morton      | \$2,308.00   | 2,464 | \$ | 5,689        | \$ | 3,322       |
| Burleigh    | \$2,198.00   | 6,846 | \$ | 15,051       | \$ | 9,114       |
| McHenry     | \$2,132.00   | 597   | \$ | 1,273        | \$ | 881         |
| Wells       | \$2,100.00   | 437   | \$ | 918          | \$ | 367         |
| Sheridan    | \$2,074.00   | 161   | \$ | 334          | \$ | 139         |
| Stark       | \$2,064.00   | 2,109 | \$ | 4,354        | \$ | 2,367       |
| Bottineau   | \$2,043.00   | 716   | \$ | 1,463        | \$ | 872         |
| Cavalier    | \$1,991.00   | 461   | \$ | 918          | \$ | 428         |
| Mercer      | \$1,706.00   | 870   | \$ | 1,485        | \$ | 556         |
| Divide      | \$1,703.00   | 229   | \$ | 390          | \$ | 207         |
| Billings    | \$1,585.00   | 123   | \$ | 195          | \$ | 124         |
| Hettinger   | \$1,476.00   | 319   | \$ | 471          | \$ | 231         |
| ND Totals   | \$166,417.00 | 58284 |    | \$183,381.00 |    | \$89,403.00 |

Above average = green

Below Average = red

Certified = yellow

**GEOGRAPHIC DISTRIBUTION OF VA EXPENDITURES FOR FY 07**  
**NORTH DAKOTA**  
 Expenditures in \$000s

| County/ Congressional District | Veteran Population* | Total Expenditure | Compensation & Pensions | Construction | Education & Vocational Rehabilitation | General Operating Expenses | Insurance & Indemnities | Medical Care |
|--------------------------------|---------------------|-------------------|-------------------------|--------------|---------------------------------------|----------------------------|-------------------------|--------------|
| ADAMS                          | 221                 | \$ 743            | \$ 310                  | \$ -         | \$ 23                                 | \$ -                       | \$ 44                   | \$ 367       |
| BARNES                         | 1,115               | \$ 3,389          | \$ 1,565                | \$ -         | \$ 42                                 | \$ -                       | \$ 28                   | \$ 1,755     |
| BENSON                         | 423                 | \$ 1,814          | \$ 1,132                | \$ -         | \$ 34                                 | \$ -                       | \$ 10                   | \$ 637       |
| BILLINGS                       | 123                 | \$ 194            | \$ 124                  | \$ -         | \$ 1                                  | \$ -                       | \$ 1                    | \$ 68        |
| BOTTINEAU                      | 716                 | \$ 1,458          | \$ 872                  | \$ -         | \$ 26                                 | \$ -                       | \$ 85                   | \$ 475       |
| BOWMAN                         | 235                 | \$ 763            | \$ 318                  | \$ -         | \$ 5                                  | \$ -                       | \$ 41                   | \$ 399       |
| BURKE                          | 207                 | \$ 755            | \$ 293                  | \$ -         | \$ 11                                 | \$ -                       | \$ 43                   | \$ 408       |
| BURLEIGH                       | 6,846               | \$ 14,927         | \$ 9,114                | \$ -         | \$ 812                                | \$ -                       | \$ 221                  | \$ 4,780     |
| CASS                           | 10,264              | \$ 52,114         | \$ 18,419               | \$ 690       | \$ 3,732                              | \$ 4,250                   | \$ 678                  | \$ 24,347    |
| CAVALIER                       | 461                 | \$ 913            | \$ 428                  | \$ -         | \$ 33                                 | \$ -                       | \$ 45                   | \$ 407       |
| DICKEY                         | 484                 | \$ 1,514          | \$ 613                  | \$ -         | \$ 33                                 | \$ -                       | \$ 7                    | \$ 860       |
| DIVIDE                         | 229                 | \$ 387            | \$ 207                  | \$ -         | \$ 14                                 | \$ -                       | \$ 3                    | \$ 164       |
| DUNN                           | 298                 | \$ 969            | \$ 534                  | \$ -         | \$ 32                                 | \$ -                       | \$ 13                   | \$ 390       |
| EDDY                           | 239                 | \$ 807            | \$ 381                  | \$ -         | \$ 7                                  | \$ -                       | \$ 4                    | \$ 415       |
| EMMONS                         | 358                 | \$ 1,203          | \$ 711                  | \$ -         | \$ 6                                  | \$ -                       | \$ 109                  | \$ 377       |
| FOSTER                         | 284                 | \$ 658            | \$ 355                  | \$ -         | \$ 9                                  | \$ -                       | \$ 33                   | \$ 261       |
| GOLDEN VALLEY                  | 205                 | \$ 241            | \$ 151                  | \$ -         | \$ 2                                  | \$ -                       | \$ 1                    | \$ 86        |
| GRAND FORKS                    | 6,516               | \$ 17,808         | \$ 9,447                | \$ -         | \$ 1,930                              | \$ -                       | \$ 610                  | \$ 5,822     |
| GRANT                          | 264                 | \$ 657            | \$ 327                  | \$ -         | \$ 20                                 | \$ -                       | \$ 7                    | \$ 303       |
| GRIGGS                         | 258                 | \$ 820            | \$ 346                  | \$ -         | \$ 3                                  | \$ -                       | \$ 2                    | \$ 468       |
| HETTINGER                      | 319                 | \$ 495            | \$ 231                  | \$ -         | \$ 33                                 | \$ -                       | \$ 2                    | \$ 229       |
| KIDDER                         | 253                 | \$ 654            | \$ 396                  | \$ -         | \$ 7                                  | \$ -                       | \$ 5                    | \$ 246       |
| LAMOURE                        | 348                 | \$ 1,088          | \$ 446                  | \$ -         | \$ 48                                 | \$ -                       | \$ 3                    | \$ 592       |
| LOGAN                          | 174                 | \$ 581            | \$ 254                  | \$ -         | \$ 18                                 | \$ -                       | \$ 10                   | \$ 299       |
| MCHENNY                        | 597                 | \$ 1,283          | \$ 881                  | \$ -         | \$ 19                                 | \$ -                       | \$ 4                    | \$ 380       |
| MCINTOSH                       | 225                 | \$ 758            | \$ 235                  | \$ -         | \$ 3                                  | \$ -                       | \$ 1                    | \$ 519       |
| MCKENZIE                       | 572                 | \$ 1,302          | \$ 758                  | \$ -         | \$ 25                                 | \$ -                       | \$ 4                    | \$ 515       |
| MCLEAN                         | 897                 | \$ 2,230          | \$ 1,404                | \$ -         | \$ 68                                 | \$ -                       | \$ 16                   | \$ 742       |
| MERCER                         | 870                 | \$ 1,247          | \$ 556                  | \$ -         | \$ 63                                 | \$ -                       | \$ 13                   | \$ 615       |
| MORTON                         | 2,464               | \$ 5,875          | \$ 3,322                | \$ -         | \$ 280                                | \$ -                       | \$ 100                  | \$ 2,173     |
| MOUNTRAIL                      | 645                 | \$ 2,685          | \$ 1,339                | \$ -         | \$ 61                                 | \$ -                       | \$ 19                   | \$ 1,266     |
| NELSON                         | 434                 | \$ 1,233          | \$ 675                  | \$ -         | \$ 25                                 | \$ -                       | \$ 9                    | \$ 523       |
| OLIVER                         | 153                 | \$ 561            | \$ 321                  | \$ -         | \$ 37                                 | \$ -                       | \$ 1                    | \$ 202       |
| PEMBINA                        | 902                 | \$ 2,390          | \$ 1,293                | \$ -         | \$ 71                                 | \$ -                       | \$ 62                   | \$ 964       |
| PIERCE                         | 498                 | \$ 1,271          | \$ 673                  | \$ -         | \$ 37                                 | \$ -                       | \$ 3                    | \$ 559       |
| RAMSEY                         | 783                 | \$ 2,969          | \$ 1,577                | \$ -         | \$ 52                                 | \$ -                       | \$ 34                   | \$ 1,307     |

**GEOGRAPHIC DISTRIBUTION OF VA EXPENDITURES FOR FY 07**

**NORTH DAKOTA**

Expenditures in \$000s

| County/ Congressional District | Veteran Population* | Total Expenditure | Compensation & Pensions | Construction  | Education & Vocational Rehabilitation | General Operating Expenses | Insurance & Indemnities | Medical Care     |
|--------------------------------|---------------------|-------------------|-------------------------|---------------|---------------------------------------|----------------------------|-------------------------|------------------|
| RANSOM                         | 565                 | \$ 3,104          | \$ 1,250                | \$ -          | \$ 17                                 | \$ -                       | \$ 14                   | \$ 1,822         |
| RENVILLE                       | 292                 | \$ 697            | \$ 414                  | \$ -          | \$ 29                                 | \$ -                       | \$ 15                   | \$ 239           |
| RICHLAND                       | 1,211               | \$ 4,193          | \$ 1,662                | \$ -          | \$ 172                                | \$ -                       | \$ 72                   | \$ 2,287         |
| ROLETTE                        | 948                 | \$ 2,751          | \$ 1,749                | \$ -          | \$ 155                                | \$ -                       | \$ 22                   | \$ 825           |
| SARGENT                        | 362                 | \$ 1,114          | \$ 510                  | \$ -          | \$ 32                                 | \$ -                       | \$ 8                    | \$ 564           |
| SHERIDAN                       | 161                 | \$ 262            | \$ 139                  | \$ -          | \$ 2                                  | \$ -                       | \$ 2                    | \$ 119           |
| SIoux                          | 356                 | \$ 1,083          | \$ 794                  | \$ -          | \$ 67                                 | \$ -                       | \$ 35                   | \$ 187           |
| SLOPE                          | 52                  | \$ 174            | \$ 80                   | \$ -          | \$ 5                                  | \$ -                       | \$ 5                    | \$ 84            |
| STARK                          | 2,109               | \$ 4,464          | \$ 2,367                | \$ -          | \$ 142                                | \$ -                       | \$ 120                  | \$ 1,835         |
| STEELE                         | 250                 | \$ 570            | \$ 372                  | \$ -          | \$ 6                                  | \$ -                       | \$ 26                   | \$ 166           |
| STUTSMAN                       | 1,920               | \$ 5,886          | \$ 2,978                | \$ -          | \$ 150                                | \$ -                       | \$ 106                  | \$ 2,652         |
| TOWNER                         | 278                 | \$ 620            | \$ 318                  | \$ -          | \$ 15                                 | \$ -                       | \$ 56                   | \$ 231           |
| TRAIL                          | 826                 | \$ 3,446          | \$ 1,485                | \$ -          | \$ 87                                 | \$ -                       | \$ 24                   | \$ 1,850         |
| WALSH                          | 1,209               | \$ 2,609          | \$ 1,334                | \$ -          | \$ 87                                 | \$ -                       | \$ 129                  | \$ 1,059         |
| WARD                           | 5,545               | \$ 16,769         | \$ 11,351               | \$ -          | \$ 1,672                              | \$ -                       | \$ 511                  | \$ 3,235         |
| WELLS                          | 437                 | \$ 870            | \$ 367                  | \$ -          | \$ 35                                 | \$ -                       | \$ 4                    | \$ 463           |
| WILLIAMS                       | 1,883               | \$ 4,492          | \$ 2,225                | \$ -          | \$ 88                                 | \$ -                       | \$ 153                  | \$ 2,026         |
| <b>NORTH DAKOTA (Totals)</b>   | <b>58,283</b>       | <b>\$ 181,861</b> | <b>\$ 89,404</b>        | <b>\$ 690</b> | <b>\$ 10,384</b>                      | <b>\$ 4,250</b>            | <b>\$ 3,570</b>         | <b>\$ 73,562</b> |
| <b>TOTAL CONG. DIST (01)</b>   | <b>58,283</b>       | <b>\$ 181,717</b> | <b>\$ 89,264</b>        | <b>\$ 690</b> | <b>\$ 10,381</b>                      | <b>\$ 4,250</b>            | <b>\$ 3,570</b>         | <b>\$ 73,562</b> |
| <b>NORTH DAKOTA (Totals)</b>   | <b>58,283</b>       | <b>\$ 181,717</b> | <b>\$ 89,264</b>        | <b>\$ 690</b> | <b>\$ 10,381</b>                      | <b>\$ 4,250</b>            | <b>\$ 3,570</b>         | <b>\$ 73,562</b> |



[illegible]

**NORTH DAKOTA G-1**

**Testimony To**  
**THE HOUSE GOVERNMENT & VETERANS AFFAIRS COMMITTEE**  
**Prepared Thursday, February 5, 2009 by**  
**Terry Traynor, Assistant Director**  
**North Dakota Association of Counties**

**REGARDING HOUSE BILL No. 1057**

Chair Grande and members of the House Government and Veteran's Affairs Committee, the North Dakota County Commissioners' Association has asked that their concern with Section 1 of HB1057 be expressed to you.

This section creates a new training mandate on county government. While it is understood that the appropriation attached to the bill is intended to compensate the property taxpayers for this mandate during the coming biennium, the appropriation expires in two years and the mandate does not.

During the interim, the Public Safety Committee was urged to include language that would make the mandate contingent upon continued State funding. Without that, it becomes a property tax cost in the future.

As written, we urge the removal of Section 1 of HB1057.

NORTH DAKOTA HOUSE OF REPRESENTATIVES  
GOVERNMENT and VETERANS AFFAIRS COMMITTEE

Written Testimony for H. B.1057

February 5, 2009

Submitted by  
Cindy Munsch  
Deputy Veterans Service Officer  
Burleigh County  
Bismarck, ND

I am in support of HB1057.

I am support HB 1057 because I believe it is an attempt at progress in how we provide service to the veteran and his dependents in North Dakota. The veterans of our state should have the best service possible, this means access to a County Veterans Service Officer who will provide quality service. In order to provide quality service you must have a willingness to do your best. In order to provide quality professional service you must be ready to receive education with open arms. You can not become stagnant in your job if you wish to provide quality professional service to the veterans of our state. The requirement for accreditation of County Veterans Service Officers would provide a way to measure the quality of professional service that can be provided. Accreditation through the National Association of County Veteran Service Officers would provide a nationally recognized standard of training.

I would suggest that an amendment of 2 years instead of 1 year since this would give the new county veterans service officer a chance to become oriented to his new responsibilities.

Let's move into the 21<sup>st</sup> Century.

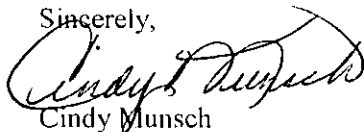
Every department or business, whether it be large or small must keep up with technology and make use of it or be left in the dust. I believe that is where the ND Department of Veterans Affairs is presently, left in the dust. Be progressive and make use of a new centrally located state office at the seat of state government and make use of available technology. If a state office which administers a Hardship Assistance Program and a Veterans Aid Loan program is near the seat of State Government, wouldn't it be more economical and efficient?

I believe that when you think of HB 1057 anyone and everyone's number ONE concern should be the veterans of North Dakota and delivery of quality professional services to each and every veteran as well as his widow and children. The benefit of quality professional service by any advocate for veterans is not only to the veteran and his dependents, but to the veteran's community. Veteran's who receive a monetary benefit spend in the community. Veterans who receive VA medical care are not receiving medical assistance from the county social services. Healthy veterans are active community members.

The only people who will suffer if HB 1057 does not pass will be the veterans of our state and our communities. All veterans deserve the best service we can possibly provide. I have worked as an advocate for veterans for more than 24 years and believe this bill is an excellent beginning!

Thank you for your time.

Sincerely,



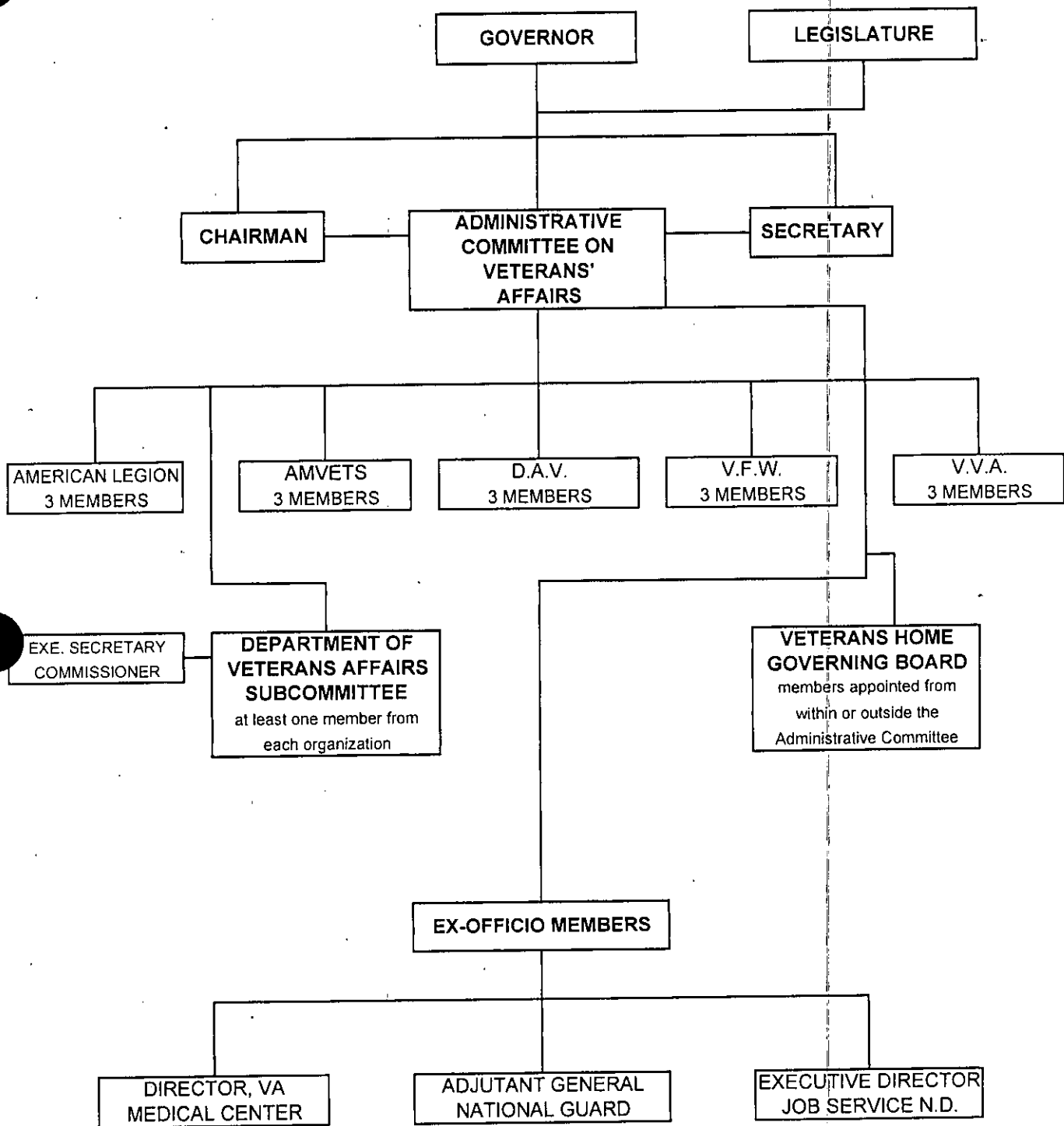
Cindy Munsch

Deputy Veterans Service Officer Burleigh County

Member Professional Veterans Advocates of ND

National Association of County Veteran Service Officers

National Accredited County Veterans Service Officer with cross accreditation  
with Amvets, DAV and VFW



## **Post War Trust Fund Committee**

Dave Hilleren (V.V.A.), Chairman

Mike Fisher (D.A.V.)

John Adolf (AMVETS)

John Hanson (V.F.W.)

Carl Bloomquist (V.F.W.)

Jeff Hall (A.L.)

The committee reviews and makes recommendations to the full committee on requests from entities wishing to use the postwar trust fund interest earnings for projects benefitting North Dakota veterans and their dependents.

## **Appeals**

Wayne Paulson (V.F.W.), Chairman

John Adolf (AMVETS)

Ken Hasby (D.A.V.)

Lee Finstad (V.V.A.)

Dave Vandergon (V.V.A.)

Orletta Kilen (A.L.)

The department's decisions on its financial assistance programs are appealable to an appeals committee. The decision of the committee is final.

## **Legislative Committee**

Lee Finstad, Chairman (V.V.A.)

Dean Overby (A.L.)

Lyle Schuchard (AMVETS)

Mike Fisher (D.A.V.)

Carl Bloomquist (V.F.W.)

The committee researches and makes recommendations for legislation on issues that impact veterans and their dependents.

## **Governing Board - North Dakota Veterans Home**

Norris Braaten, Chairman

Term Ends 6/30/2009

Brad Maasjo

Dwayne Ternes

Term Ends 6/30/2010

Daryl Beard

Norris Braaten

Orletta Kilen (ACOVA)

Term Ends 6/30/2011

Jerry Meske

Darrol Schroeder

The chairman and secretary of the Administrative Committee, with ratification from a majority of the full Committee, appoint a seven member governing board for administration of the North Dakota Veterans Home. The governing board selects an administrator for the North Dakota Veterans Home. The administrator serves at the pleasure of the governing board.

## **Department of Veterans Affairs Subcommittee**

Dean Overby (A.L.), Chairman

Jerry Goll (D.A.V.)

Dave Hilleren (V.V.A.)

Wayne Paulson (V.F.W.)

Lyle Schuchard (AMVETS)

The committee is responsible for supervision and government of the department. A member of the subcommittee may not serve on the Governing Board of the Veteran's Home. The Commissioner of Veterans' Affairs shall serve as the Executive Secretary for the subcommittee. The Commissioner has no vote in the affairs of the subcommittee. The subcommittee shall create and implement a strategic plan for the department.

## **Budget Committee**

John Hanson (V.F.W.), Chairman

Lyle Schuchard (AMVETS)

Jeff Hall (A.L.)

Ken Hasby (D.A.V.)

Jerry Goll (D.A.V.)

Dave Vandergon (V.V.A.)

The committee monitors the department's budget and reviews biennium budget requests.

| #            | COUNTY        | VET<br>POP | MILL<br>PER | 1 MILL<br>IN<br>DOLLARS | ANNUAL<br>SALARY<br>CVSO | MONTHLY<br>SALARY<br>CVSO | ANNUAL<br>SALARY<br>SECRETARY | ANNUAL<br>TRAVEL<br>EXP BUD | OTHER<br>ANNUAL<br>EXPENSES | ANNUAL<br>BUDGET |
|--------------|---------------|------------|-------------|-------------------------|--------------------------|---------------------------|-------------------------------|-----------------------------|-----------------------------|------------------|
| FY06 AUDITOR |               |            |             |                         |                          |                           |                               |                             |                             |                  |
| 01           | ADAMS         | 204        | 0.930       |                         | 4,500.00                 | 375.00                    |                               | 1,400.00                    | 240.00                      | 6,140.00         |
| 02           | BARNES        | 1,053      | 1.360       | 37,449.68               | 29,224.00                | 2,435.33                  |                               | 2,650.00                    | 15,829.00                   | 47,703.00        |
| 03           | BENSON        | 396        | 0.870       | 13,794.21               | 13,774.08                | 1,147.84                  |                               | 750.00                      | 740.00                      | 15,264.08        |
| 04           | BILLINGS      | 104        | 1.740       | 5,143.74                | 7,000.00                 | 583.33                    |                               | 1,700.00                    | 1,425.00                    | 10,125.00        |
| 05           | BOTTINEAU     | 660        | 0.750       | 2,597.45                | 10,050.00                | 837.50                    |                               | 1,500.00                    | 12,900.00                   | 24,450.00        |
| 06           | BOWMAN        | 227        | 0.800       | 9,985.00                | 6,430.00                 | 535.83                    |                               | 1,000.00                    | 535.00                      | 7,965.00         |
| 07           | BURKE         | 207        | 0.410       |                         | 3,600.00                 | 300.00                    |                               | 600.00                      | 465.00                      | 4,665.00         |
| 08           | BURLEIGH      | 6,167      | 0.780       | 194,888.00              | 47,328.00                | 3,944.00                  | 66,648.00                     | 5,500.00                    | 46,273.00                   | 165,749.00       |
| 09           | CASS          | 9,144      | 0.000       | 395,777.00              | 52,876.00                | 4,406.33                  | 99,279.00                     | 4,500.00                    | 44,636.00                   | 201,291.00       |
| 10           | CAVALIER      | 458        |             |                         |                          | 0.00                      |                               |                             |                             | 0.00             |
| 11           | DICKEY        | 431        | 1.120       | 17,463.00               | 14,987.21                | 1,248.93                  |                               | 1,900.00                    | 3,079.00                    | 19,966.21        |
| 12           | DIVIDE        | 216        | 0.620       | 9,636.61                | 5,500.00                 | 458.33                    |                               | 800.00                      | 615.00                      | 6,915.00         |
| 13           | DUNN          | 274        | 0.300       | 12,894.92               | 0.00                     | 0.00                      |                               | 0.00                        | 0.00                        | 4,424.00         |
| 14           | EDDY          | 222        | 1.390       | 6,481.00                | 5,562.00                 | 463.50                    |                               | 3,000.00                    | 336.80                      | 8,898.80         |
| 15           | EMMONS        | 334        | 0.001       | 14,515.00               | 12,600.00                | 1,050.00                  |                               | 712.50                      | 1,201.75                    | 14,514.25        |
| 16           | FOSTER        | 250        | 0.670       |                         | 8,132.00                 | 677.67                    |                               | 900.00                      | 1,240.00                    | 10,272.00        |
| 17           | GOLDEN VALLEY | 190        | 0.450       | 5,597.10                | 3,000.00                 | 250.00                    |                               | 1,000.00                    | 550.00                      | 4,550.00         |
| 18           | GRAND FORKS   | 5,619      | 0.960       | 161,756.08              | 54,960.00                | 4,580.00                  | 28,389.00                     | 4,500.00                    | 73,690.00                   | 161,539.00       |
| 19           | GRANT         | 256        | 1.000       | 8,921.50                | 6,746.50                 | 562.21                    |                               | 1,000.00                    | 1,090.00                    | 8,836.50         |
| 20           | GRIGGS        | 251        | 0.800       | 9,365.90                | 4,995.50                 | 416.29                    |                               | 1,700.00                    | 725.00                      | 7,420.50         |
| 21           | HETTINGER     | 287        | 0.580       | 9,812.88                | 4,200.00                 | 350.00                    |                               | 1,200.00                    | 110.00                      | 5,510.00         |
| 22           | KIDDER        | 247        | 0.540       | 10,223.05               | 6,240.00                 | 520.00                    |                               | 600.00                      | 340.00                      | 7,180.00         |
| 23           | LaMOURE       | 330        | 0.310       | 18,657.11               | 4,782.00                 | 398.50                    |                               | 775.00                      | 140.00                      | 5,697.00         |
| 24           | LOGAN         | 163        | 0.880       | 7,120.07                | 5,160.00                 | 430.00                    |                               | 800.00                      | 79.00                       | 6,039.00         |
| 25           | McHENRY       | 572        | 0.250       | 22,827.00               | 4,955.00                 | 412.92                    |                               | 700.00                      | 530.00                      | 6,185.00         |
| 26           | McINTOSH      | 210        | 0.750       | 10,182.45               | 6,265.20                 | 522.10                    |                               | 1,400.00                    | 350.00                      | 8,015.20         |
| 27           | McKENZIE      | 541        | 1.090       | 17,230.41               | 18,417.00                | 1,534.75                  |                               | 2,400.00                    | 2,834.00                    | 23,651.00        |
| 28           | McLEAN        | 857        | 0.000       | 28,574.20               | 14,416.00                | 1,201.33                  |                               | 500.00                      | 1,000.00                    | 15,916.00        |
| 29           | MERCER        | 801        | 0.660       | 18,897.11               | 13,412.00                | 1,117.67                  |                               | 800.00                      | 1,065.00                    | 15,277.00        |
| 30           | MORTON        | 2,239      | 2.000       | 61,505.00               | 62,165.00                | 5,180.42                  | 34,460.00                     | 3,000.00                    | 16,303.00                   | 115,928.00       |
| 31           | MOUNTRAIL     | 606        | 0.970       | 16,308.80               | 8,556.00                 | 713.00                    |                               | 1,200.00                    | 25.00                       | 9,781.00         |



| #  | COUNTY   | VET<br>POP<br>FY06 | AUDITOR | MILL<br>PER | 1 MILL<br>IN<br>DOLLARS | ANNUAL<br>SALARY<br>CVSO | MONTHLY<br>SALARY<br>CVSO | ANNUAL<br>SALARY<br>SECRETARY | ANNUAL<br>TRAVEL<br>EXP BUD | OTHER<br>ANNUAL<br>EXPENSES | TOTAL<br>ANNUAL<br>BUDGET |
|----|----------|--------------------|---------|-------------|-------------------------|--------------------------|---------------------------|-------------------------------|-----------------------------|-----------------------------|---------------------------|
| 32 | NELSON   | 399                | 1.160   | 11,233.88   | 6,800.00                | 566.67                   |                           |                               | 800.00                      | 1,020.00                    | 8,620.00                  |
| 33 | OLIVER   | 141                | 1.250   |             | 0.00                    | 0.00                     |                           |                               | 0.00                        | 0.00                        | 7,304.99                  |
| 34 | PEMBINA  | 839                | 0.700   | 31,175.62   | 17,152.65               | 1,429.39                 |                           |                               | 4,000.00                    | 2,440.00                    | 23,592.65                 |
| 35 | PIERCE   | 432                | 0.430   |             | 6,000.00                | 500.00                   |                           |                               | 1,000.00                    | 50.00                       | 7,050.00                  |
| 36 | RAMSEY   | 764                | 0.680   | 26,566.00   | 14,700.00               | 1,225.00                 |                           |                               | 0.00                        | 2,295.00                    | 16,995.00                 |
| 37 | RANSOM   | 506                | 0.740   | 16,977.00   | 17,000.00               | 1,416.67                 |                           |                               | 825.00                      | 3,060.00                    | 20,885.00                 |
| 38 | RENVILLE | 285                | 0.400   | 10,369.90   | 4,350.00                | 362.50                   |                           |                               | 825.00                      | 285.00                      | 5,460.00                  |
| 39 | RICHLAND | 1,133              | 1.100   | 51,433.97   | 39,832.00               | 3,319.33                 |                           |                               | 5,000.00                    | 13,642.00                   | 58,474.00                 |
| 40 | ROLETTE  | 822                | 0.490   | 10,208.00   | 3,150.00                | 262.50                   |                           |                               | 950.00                      | 450.00                      | 4,550.00                  |
| 41 | SARGENT  | 326                | 0.700   | 15,916.00   | 7,697.00                | 641.42                   |                           |                               | 800.00                      | 2,755.00                    | 11,252.00                 |
| 42 | SHERIDAN | 153                | 0.470   | 6,582.47    | 2,900.00                | 241.67                   |                           |                               | 180.00                      | 60.00                       | 3,140.00                  |
| 43 | SIOUX    | 314                | 2.420   | 2,060.00    | 5,282.28                | 440.19                   |                           |                               | 1,800.00                    | 115.00                      | 7,197.28                  |
| 44 | SLOPE    | 51                 | 0.360   | 5,186.73    | 1,770.00                | 147.50                   |                           |                               | 1,000.00                    | 140.00                      | 2,910.00                  |
| 45 | STARK    | 1,930              | 1.250   | 44,569.10   | 41,948.67               | 3,495.72                 | 26,291.29                 |                               | 1,375.00                    | 1,520.00                    | 71,134.96                 |
| 46 | STEELE   | 228                | 0.500   | 11,065.02   | 5,256.00                | 438.00                   |                           |                               | 400.00                      | 40.00                       | 5,696.00                  |
| 47 | STUTSMAN | 1,770              | 1.170   | 53,706.58   | 36,100.00               | 3,008.33                 | 9,000.00                  |                               | 1,300.00                    | 16,206.00                   | 62,606.00                 |
| 48 | TOWNER   | 271                | 1.310   | 11,000.00   | 11,650.00               | 970.83                   |                           |                               | 600.00                      | 1,450.00                    | 13,700.00                 |
| 49 | TRAILL   | 750                | 0.770   | 26,942.09   | 13,733.78               | 1,144.48                 |                           |                               | 4,000.00                    | 3,526.00                    | 21,259.78                 |
| 50 | WALSH    | 1,111              | 0.840   | 32,422.00   | 18,828.00               | 1,569.00                 |                           |                               | 840.00                      | 10,543.00                   | 30,211.00                 |
| 51 | WARD     | 5,092              | 0.640   | 127,555.98  | 33,022.08               | 2,751.84                 | 25,708.80                 |                               | 1,900.00                    | 2,000.00                    | 82,200.00                 |
| 52 | WELLS    | 408                | 0.000   | 18,849.95   | 5,000.00                | 416.67                   |                           |                               | 500.00                      | 160.00                      | 5,660.00                  |
| 53 | WILLIAMS | 1,805              | 1.930   | 41,410.10   | 40,594.00               | 3,382.83                 | 4,853.00                  |                               | 1,700.00                    | 32,774.00                   | 79,921.00                 |

53,048 42.291 1,682,834.66 772,599.95 64,383.33 294,629.09 78,282.50 322,877.55 1,499,687.20

**North Dakota House of Representatives  
Government and Veterans Affairs Committee**

**Written Testimony  
H.B. 1057**

**February 5, 2009**

**Prepared by**

**Mark J. Landis  
Burleigh County  
Veterans Service Officer**

It is a privilege to address this committee on a matter of great importance to the veterans of North Dakota. My name is Mark Landis, and I am the veterans service officer for Burleigh County. It is a full-time position. I am accredited with the National Association of County Veterans Service Officers (NACVSO) and am a charter member of the Professional Veterans Advocates of North Dakota.

HB 1057 represents a bold, comprehensive vision for the future of the veterans of our state. Undoubtedly you have heard, and will continue to hear, opinions to the contrary. I respect those opinions and the right of individuals to express them. Healthy debate of issues is one of the cornerstones of our form of government. You are surely aware we enjoy the liberty to debate issues only because it has been purchased with the blood and sweat of those who have served our nation in combat and in peacetime.

Every day, I have the privilege of serving our veterans. Most of them will say they were simply doing their job, but I know that each person has a unique story. I believe some of them to be genuine heroes. From World War Two, to Korea, to Vietnam, and the blistering desert sands of the Middle East, they have shown truly uncommon valor in the face of the enemy. Yet they are the most humble of all.

They come to me, and others like me around the state, for assistance in applying for veterans benefits. Some are reluctant to do so because they are proud and independent, and have only arrived at this point out of necessity. We advise them of possible benefits and assist them with their applications. We also refer them to other services in the community. That may sound very simple, but I can assure you it is not.

The arena of veterans benefits is a complex myriad of seemingly disjointed services. Qualification rules vary considerably. The County Veterans Service Officer (CVSO) guides veterans through this cumbersome system. Without professional training, I would be ill-equipped to provide proper service to my clients. I highly recommend NACVSO training to any CVSO who is serious about this profession.

Recently, I heard a remark from a service officer that it's more important for a CVSO to be a caring person than to be proficient. He would have us believe that a CVSO can be caring or competent, but not both. However, I believe that is a false choice. I submit to you that a successful CVSO is both caring *and* competent. Anything less is a disservice to our veterans.

During a meeting I attended a few months ago, one North Dakota CVSO stated he would resign rather than take accreditation training. Translation: If he has to learn something, he's going to quit. It is a vast understatement to say that was a very disappointing, yet revealing, moment.

A number of CVSO's have admitted their lack of proficiency in the area of veterans benefits, but justify their positions because they are very busy with community service projects for veterans. I applaud their work in their communities. Accreditation will not stop them from continuing that important work. However, it will help them to fulfill their duties in accordance with NDCC 37-14-18.

Also, the implication is accredited CVSO's don't do community service. Nothing could be further from the truth. I cannot begin to tell you the number of evenings and weekends I have worked on community service projects, helped with veterans organization functions, or otherwise assisted veterans. That's not a complaint, just a fact.

Burleigh County currently has more than 300 active files from other counties. Their reasons for coming to us may vary, but in most cases veterans should be able to receive appropriate services in their counties.

I also support the idea of providing funding to bring NACVSO trainers to North Dakota. It is a highly cost-effective approach to accomplish the goal of accreditation for all CVSO's.

There is no rational reason for CVSO's to resist accreditation training. The training consists of 32 hours of classroom instruction followed by a test. I might add, the test is in no way comparable to the entrance exam for M.I.T. It is a 100-question, multiple choice test on the basic fundamentals of our profession. A minimum score of 70% is required to pass the test. Any CVSO who pays attention in class and exerts a reasonable amount of learning effort should pass the test. Anyone who feels they already know everything there is to know about being a CVSO should easily attain a superior score.

In addition to increasing the knowledge and skills of CVSO's around the state, accreditation training has another tremendous upside: Electronic access to veterans records. We live and work in an increasingly automated world, and the VA is no exception. The day will come, perhaps in the near future, when most business will be conducted electronically. CVSO's who are accredited will have a significant advantage in providing excellent customer service.

When a veteran files a claim through our office, he or she also executes a power of attorney with one of the major service organizations. The U.S. Department of Veterans Affairs (VA) recognizes these organizations, which are chartered by Congress to provide services to veterans. As an accredited CVSO, I can have electronic access to veterans records for each organization that has granted accreditation to me. I can also speak directly with VA personnel concerning a veteran's claim. NACVSO has agreements with several major service organizations to allow cross-accreditation. That means, once I am accredited with NACVSO, I can also become accredited with other organizations through a simple application process.

This opportunity is not available with any other organization. If a CVSO is accredited with only one of the major service organizations, he or she will have access to only those records. As a CVSO, I cannot be limited to access through only one organization.

The North Dakota Department of Veterans Affairs (NDDVA) has apparently engaged in negotiations to have the American Legion provide accreditation training to CVSO's. While the American Legion may provide good training, it will not get CVSO's where they need to be for the aforementioned reasons. In that respect, the concept is seriously flawed.

My colleagues will address these and other aspects of HB 1057, including the provisions pertaining to the NDDVA, the Commissioner of Veterans Affairs, and the Administrative Committee on Veterans Affairs. Thank you for taking the time to read my remarks; I sincerely hope they provide insight on these issues.

A handwritten signature in black ink, appearing to read "Mark J. Landis". The signature is fluid and cursive, with the first name "Mark" and last name "Landis" clearly distinguishable.

Mark J. Landis  
Burleigh CVSO

**Testimony To  
THE SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE  
Prepared March 5, 2009 by  
Terry Traynor, Assistant Director  
North Dakota Association of Counties**

**REGARDING ENGROSSED HOUSE BILL No. 1057**

Chairman Dever and members of the Senate Government and Veteran's Affairs Committee, the North Dakota County Commissioners' Association has asked that their concern with Section 1 of engrossed HB1057 be expressed to you.

This section creates a new training mandate on county government. While it is understood that the appropriation attached to the bill is intended to compensate the property taxpayers for this mandate during the coming biennium, the appropriation expires in two years and the mandate does not.

Without the inclusion of language, such as the suggested amendment below, this bill creates the strong possibility for a future unfunded property tax cost.

Without such a change, the North Dakota County Commissioners' Association urges the removal of Section 1 of HB1057.

---

**PROPOSED AMENDMENT TO REENGROSSED HOUSE BILL NO. 1057**

Page 1, line 15, after the period insert, "The North Dakota department of veteran's affairs shall include in its biennial budget, a request for sufficient funding for the delivery of the training necessary for county veteran's service officers to maintain accreditation."

Renumber accordingly

**North Dakota Senate  
Government and Veterans Affairs Committee**

**Testimony**

**H.B. 1057**

**March 5, 2009**

**Prepared by**

**Mark J. Landis  
Burleigh County  
Veterans Service Officer**

Chairman Dever, members of the committee, distinguished visitors, ladies and gentlemen: Good morning. My name is Mark Landis, and I am the veterans service officer for Burleigh County. As a full-time employee, I have the privilege of serving our nation's veterans every day. I am accredited with the National Association of County Veterans Service Officers (NACVSO) and am a charter member of the Professional Veterans Advocates of North Dakota.

Thank you for the opportunity to testify on this important issue. HB 1057, in its original form, represented a bold strategy to improve service to the veterans of North Dakota. What you have before you now is legislation that has been amended to the point of being largely ineffective. However, it is still possible to salvage a very significant feature of the bill.

I am very encouraged by the fact we are having a serious discussion of professional education and standards for county veterans service officers. Hopefully you will agree that if we are to achieve the desired result, it's important we get it right the first time. Section One requires mandatory accreditation by the North Dakota Department of Veterans Affairs (NDDVA). This is a change from the original bill, which would have required accreditation by the National Association of County Veterans Service Officers (NACVSO). I strongly urge you to restore the original verbiage with respect to NACVSO accreditation.

In order to be valid, an accreditation program must be approved by the U.S. Department of Veterans Affairs (VA). The NDDVA does not currently have any accreditation program. They do not have the wherewithal to develop and execute such a program. They will tell you they can bring in trainers from a national organization such as the American Legion to conduct accreditation training. I do not doubt the American Legion provides good training for its employees; however, this plan is fatally flawed in several respects.

There appears to be a false impression that accreditation with any veterans service organization is just as valid as any other for County Veterans Service Officers (CVSOs). With your indulgence, I would like to dispel that myth right now.

NACVSO training is geared to what we do at the county level. In contrast, the national service organizations train people to work in their offices and at VA regional offices. It is the most appropriate training for their target audience. While there are similarities in the work performed at each level, it is truly an "apples and oranges" comparison.

Additionally, there is much we do not know about the commissioner's plan to bring American Legion trainers to the state. Has the American Legion conducted accreditation training in the past specifically for CVSOs? If not, will they need to change their course syllabus? How long will it take for a new course syllabus to be reviewed and approved by the VA? Will American Legion accreditation, although offered without cost, help CVSOs get to where they need to be? These are questions that should be answered before the commissioner's plan can be seriously considered.



When I accepted appointment as a CVSO, I had little understanding of the steep learning curve I was about to climb. I have attended training sessions from several agencies and organizations. As a full-time professional veterans advocate, I can state unequivocally that NACVSO training is the most valuable to me in my job. I continue to attend NACVSO training every year to maintain accreditation.

NACVSO accreditation also opens the door for accreditation with several national service organizations. For example, I am also accredited with the Veterans of Foreign Wars (VFW), the Disabled American Veterans (DAV), and the American Veterans of World War Two (AMVETS). This is possible because of cross-accreditation agreements that NACVSO has with these organizations. On the other hand, if CVSOs obtain initial accreditation with the NDDVA or the American Legion, they will not be accredited with the DAV, VFW, or AMVETS. You may ask, why is this important?

When veterans file disability claims through our office, they also execute a power of attorney with one of the national service organizations. The VA recognizes these organizations, which are chartered by Congress to provide services to veterans. We partner with the organizations to assist veterans with their claims. I don't know ahead of time which organization a veteran will choose as a POA. However, the vast majority of claims in the Fargo VA Regional Office are represented by DAV, VFW, or AMVETS. If veterans select an organization with which I am accredited, I have access to their information in the VA system and am in the best position to be a strong advocate for them throughout the claim process. However, if they happen to choose an organization with which I am not accredited, I am representing them with one hand tied behind my back. I can call the POA to ask for information, and wait days or weeks for a response (no exaggeration), but it is much better if I can immediately obtain data as an accredited representative. For those who are accredited, information is available electronically.

There appears to be another misconception that NACVSO would dictate the type of training we need in North Dakota. NACVSO offers a wide range of training programs that are recognized by the VA and provide CVSOs with the tools to accomplish their mission. The organization is not interested in exercising authority or control over anyone. The fact that their training teams are booked far in advance is a testament to the quality of professional education they provide.

Requiring accreditation by the NDDVA would also open the door to allowing the commissioner to exercise authority over CVSOs. That can be most politely described as a completely inappropriate arrangement.

Prior to 2005, the North Dakota Century Code included verbiage granting the commissioner authority over CVSOs. It was unworkable and unenforceable. Counties are local government entities that appoint, pay, and evaluate their employees. The county commissioners are elected officials and are accountable to the people. They did not allow the commissioner to usurp their authority concerning their CVSOs. If CVSOs are to be true advocates for veterans, they need to be independent from federal and state agencies. The 2005 legislature, in their wisdom, struck the absurd verbiage from the

Century Code. Currently, the commissioner has a duty to assist CVSOs, which is appropriate. He or she could track NACVSO accreditation to ensure compliance.

You may ask why accreditation implies control by the commissioner but does not imply control by NACVSO. The answer is simple. First, the NDDVA is a state agency and NACVSO is not a governmental body. Second, in his testimony before the House Government and Veterans Affairs Committee, the commissioner publicly and plainly stated his ambition to exercise authority over CVSOs. He followed up his statements by distributing written copies of his testimony (Attached Exhibit "A"). As mentioned earlier, we've been down that road and it didn't work. We need to move forward rather than repeat the mistakes of the past. NACVSO will simply provide excellent, appropriate training upon invitation. Then they will leave until such time as they are invited to return.

After CVSOs are accredited with NACVSO, they need to complete 16 hours of continuing education units annually to maintain accreditation. The conferences currently provided by the NDDVA can be designed to satisfy this requirement.

The concept of accreditation by the NDDVA will have another unintended consequence. Nearly half of CVSOs in North Dakota would be unable comply with the new law. The Code of Federal Regulations (CFR) requires CVSOs who are being accredited by a state organization to work at least 1,000 hours per year for their counties (Attached Exhibit "B"). A significant number of CVSOs do not meet these criteria.

It is important to note the key term "State Organization". The CFR further defines a state organization as an organization created and primarily funded by a state government for the purpose of serving the needs of veterans. Thus, the rule applies to accreditation with the NDDVA, a state agency. Clearly, NACVSO does not fit the definition of a state organization. Therefore, the 1,000 hour minimum does not apply when CVSOs are accredited by NACVSO (Attached Exhibit "C"). The upshot is, all CVSOs may be accredited by NACVSO.

In conclusion, I believe it would be a grievous error to accept the bill as it is currently written. We would not obtain the desired effect; in fact, it would be detrimental to CVSOs and ultimately to the veterans of our state.

I will gladly address any questions you may have.

Excerpt from testimony to the House Government & Veterans Affairs Committee, presented by the ND Commissioner of Veterans Affairs (Feb 2009)

**Recommendations**

\$183,242,000.00 in federal expenditure brought into ND in 2007 through the VA. Combining North Dakota's 2007 expenditures of about 2,100,000.00 (NDDVA and CVSO's) on veterans this is a return of about \$87 on every dollar spent on Veterans services.

To answer the questions/concerns that are repeatedly brought up about training/accreditation, accountability, productivity, supervision and consistent quality of service to our veterans then the organization needs structure.

- Chain of command
- Regional supervisors/oversight
- Training and quality control support.
- This leads to a few options
- One option
  - 8 Regions in ND with 2 State supervisors
    - Oversee
      - CVSO's
      - Training/qualification of CVSO's
      - Outreach
      - Quality of Claims
      - Tracking veterans
    - State employees would need to have some authority over CVSO's

Excerpt from Title 38, U.S. Code of Federal Regulations

**§ 14.629 Requirements for accreditation of service organization representatives; agents; and attorneys.**

Discussion and Analysis in the Veterans Benefits Manual(1)

The Regional Counsel of jurisdiction will resolve any question of current qualifications of a service organization representative, agent, or attorney. The claimant, the service organization representative, agent, or attorney, or an official of the organization for which such person acts, or a Department of Veterans Service Center Manager may appeal such determination to the General Counsel.

(a) Service Organization Representatives. A recognized organization shall file with the Office of the General Counsel VA Form 21 (Application for Accreditation as Service Organization Representative) for each person it desires accredited as a representative of that organization. In recommending a person, the organization shall certify that the designee:

(1) Is of good character and reputation and has demonstrated an ability to represent claimants before the Department of Veterans Affairs;

(2) Is either a member in good standing or a paid employee of such organization working for it not less than 1,000 hours annually; is accredited and functioning as a representative of another recognized organization; or, in the case of a county veteran's service officer recommended by a recognized State organization, meets the following criteria:

(i) Is a paid employee of the county working for it not less than 1,000 hours annually;

(ii) Has successfully completed a course of training and an examination which have been approved by a Regional Counsel with jurisdiction for the State; and

(iii) Will receive either regular supervision and monitoring or annual training to assure continued qualification as a representative in the claim process; and

(3) Is not employed in any civil or military department or agency of the United States.

(Authority: 38 U.S.C. 501(a), 5902)

(b) Agents. (1) An individual desiring accreditation as an agent must establish that he or she is of good character and reputation and is qualified to render assistance to claimants in the presentation of their claim(s). An individual desiring accreditation as an agent must file a completed application with the Office of the General Counsel on VA Form 21a on which the applicant submits the following:

(i) His or her full name and business address;

## **§ 14.628 Recognition of organizations.**

Discussion and Analysis in the Veterans Benefits Manual(1)

Authorized officers of an organization may request recognition by letter to the Secretary of Veterans Affairs.

(a) National organization. An organization may be recognized as a national organization if:

(1) It was recognized by the Department of Veterans Affairs prior to October 10, 1978, and continues to satisfy the requirements of § 14.628(d) of this section, or

(2) It satisfies the following requirements:

(i) Requirements set forth in paragraph (d) of this section, including information required to be submitted under that paragraph;

(ii) In the case of a membership organization, membership of 2,000 or more persons, as certified by the head of the organization;

(iii) Capability and resources to provide representation to a sizable number of claimants;

(iv) Capability to represent claimants before the Board of Veterans' Appeals in Washington, D.C.; and

(v) Geographic diversification, i.e., either one or more posts, chapters, or offices in at least ten states, or one or more members in at least twenty states.

(b) **State organization**. An organization created and primarily funded by a State government for the purpose of serving the needs of veterans of that State may be recognized. Only one such organization may be recognized in each State.

(c) Regional or local organization. An organization other than a State or national organization as set forth in paragraphs (a) and (b) of this section may be recognized when the Department of Veterans Affairs has determined that it is a veterans' service organization primarily involved in delivering services connected with either title 38 U.S.C., benefits and programs or other Federal and State programs designed to assist veterans. The term veteran as used in this paragraph shall include veterans, former armed forces personnel, and the dependents or survivors of either. Further, the organization shall provide responsible, qualified representation in the preparation, presentation, and prosecution of claims for title 38 U.S.C., benefits.

(d) Requirements for recognition. (1) In order to be recognized under this section, an organization shall meet the following requirements:

EXHIBIT "C"

email from Ms. Barbara Brown, Office of the General Counsel, U.S.  
Department of Veterans Affairs

---

**From:** Brown, Barbara (OGC) [mailto:Barbara.Brown@va.gov]  
**Sent:** Wednesday, February 25, 2009 12:03 PM  
**To:** mlandis@state.nd.us  
**Subject:** RE: Accreditation of County Veterans Service Officers

Mr. Landis,

You are correct in that the 1,000-hour requirement does not apply to accreditation with NACVSO or any other national organization.

The question was rephrased by Mr. Wangen. Below is my answer to him.

If a county employee working less than 1000 hours annually is a member of a recognized veterans service organization (list attached) they may be accredited to that organization. Please visit our website at [www.va.gov/ogc/accreditation.asp](http://www.va.gov/ogc/accreditation.asp) for information regarding accreditation.

Barbara

---

**From:** Mark Landis Burleigh CVSO [mailto:mlandis@nd.gov]  
**Sent:** Wednesday, February 25, 2009 9:13 AM  
**To:** Brown, Barbara (OGC)  
**Cc:** Ron Otto  
**Subject:** Accreditation of County Veterans Service Officers

Ms. Brown:

I am the secretary-treasurer for the Professional Veterans Advocates of North Dakota, as well as the Burleigh County veterans service officer.

Earlier this month, you responded to an email from the North Dakota Commissioner of Veterans Affairs concerning the issue of accreditation of county veterans service officers. He asked you for an interpretation of 38 CFR 14.629. The commissioner provided our organization with a copy of his question and your response.

Although you gave him an appropriate answer within the context of his question, it is obvious he did not frame the question properly. He really wanted to know if county veterans service officers could be accredited with the National Association of County Veterans Service Officers (NACVSO). His inquiry was prompted by a bill currently being considered in our state legislature, which would require NACVSO accreditation for all county veterans service officers.

For your convenience, I've attached excerpts from the Code of Federal Regulations.

38 CFR 14.629 indicates county veterans service officers recommended by a recognized state organization must be paid employees of their counties, working not less than 1,000 hours annually.

38 CFR 14.628 defines a state organization as an organization created and primarily funded by a state government for the purpose of serving the needs of veterans.

As you are aware, NACVSO is a professional society of county veterans service officers from around the U.S. It was founded by county veterans service officers for the purpose of providing

professional education for its membership, and is funded by membership dues. Clearly, it does not meet the definition of a state organization. Consequently, it would appear the 1,000-hour requirement would not apply to accreditation with NACVSO or any other national organization.

North Dakota has many county veterans service officers who work less than half-time. It is our opinion that they should not be denied the opportunity for accreditation with a prestigious professional organization if they can meet the requirements.

It was unfortunate that you were originally given incomplete or possibly misleading information. I would greatly appreciate your review and reconsideration of this subject. I am at your disposal if you require more information.

Thank you for your time and effort. I look forward to hearing from you.

Mark Landis  
Burleigh CVSO  
PVAND Secretary-Treasurer  
NACVSO accredited  
(701) 222-6698

NORTH DAKOTA SENATE  
COMMITTEE OF GOVERNMENT AND VETERANS AFFAIRS

Written Testimony for HB1057

March 5, 2009

Submitted by  
Cindy Munsch  
Deputy Veterans Service Officer  
Burleigh County  
Bismarck ND



Greetings, Chairman Dever and Vice Chairman Oehlke and members of the Committee.

The bottom line today is this – How can each one of us here in this room best serve our state and our nations veterans including his family, his widow and orphans. All here today want to see that every North Dakota veteran receives the best service possible from his County Veterans Service Officer.

In order to provide the best possible services we need to have education. We need to know what services are available and how to access the local state and federal benefits available. Federal benefits are US Department of Veterans Affairs benefits. We can learn by On the Job Training, which I am sure you as Senators have experienced. On the Job Training is good but not the most efficient. To supplement our On the Job Training we need to seek formal education and training in our field.

County Veterans Service Officers from across the United States have been receiving quality training in VA claims development and presentation. The training received thru the National Association of County Veterans Service Officers was officially recognized by the US Department of Veterans Affairs “for the purpose of preparation, presentation, and prosecution of claims under laws administered by the Department of Veterans Affairs” in a letter dated April 19, 1993 signed by Jesse Brown Secretary. The letter stated that this recognition “is accorded pursuant to 38 U.S. C. Section 5902 and 38 C.F.R. Section 14.628© and is solely for the purpose of claimant representation before the Department of Veterans Affairs. Also included was the statement that “Accreditation of representatives associated with your (NACVSO) organization will be handled on an individual basis in accordance with 38 C.F.R. Section 14.629.” (See attachments for CFR references)

National Association of County Veterans Service Officers developed a training manual which is continually updated to keep in step with the ever changing US DVA laws and regulations. This is the manual used in 2007 for the Accreditation class. Classroom time is 32 hours in 5 days with additional training being provided in other areas of concern. Classroom instructors are Veterans Service Officers who work in the field so have knowledge of what County Veterans Service Officers deal with when filing claims and advocating for veterans. I have attached the index to the 2007 training manual and a copy of one training module for your review.

This training is so good as to be recognized by 6 major veterans organizations, American Veterans (Amvets), Disabled American Veterans (DAV), Military Order of The Purple Heart (MOPH), The Retired Enlisted Association (TREA), Vietnam Veterans Association (VVA), Veterans of Foreign Wars (VFW), as excellent training; training accepted as equal to their own training for their service officers which then allows me to receive cross accreditation with these organizations. Wouldn't this be a wonderful jump start in our education on the way to accreditation? I urge this committee to approve use of an already established training program for ND County Veterans Service Officers.

Proper and continued education is essential in order for us to do our job as service officers if we are to fulfill the obligation proclaimed by Abraham Lincoln which is: "...To care for him, who shall have borne the battle and for his widow and orphans....: This is my focus, my passion, I hope this is true for all who sit in this room today.

Thank You

Cindy Munsch  
Deputy Veterans Service Officer  
Burleigh County  
Bismarck ND  
Professional Veterans Advocates of ND Charter member  
NACVSO member and Accredited CVSO

*National Association  
Of  
County Veterans Service Officers, Inc.*



Milwaukee, Wisconsin  
June 3-8, 2007

**VETERANS CLAIMS OFFICERS  
TRAINING MANUAL**

**NATIONAL ASSOCIATION OF COUNTY  
VETERANS SERVICE OFFICERS**  
Certification Training Course

**INDEX OF TRAINING MODULES**

| Module  | Page |
|---|------|
| 1. DVA, NACVSO and CVSO History, Organization and Disclaimer.....           | 1-1  |
| 2. Veterans Benefits: General Provisions; Definitions; Periods of War ..... | 2-1  |
| 3. Duty to Assist & Development of Claims .....                             | 3-1  |
| 4. Service Connection; Disability Compensation .....                        | 4-1  |
| 5. Disability Pension .....   | 5-1  |
| 6. Dependency and Indemnity Compensation (DIC) .....                        | 6-1  |
| 7. Death Pension .....  | 7-1  |
| 8. EVRs, Deductible Expenses .....  | 8-1  |
| 9. Burial Benefits .....  | 9-1  |
| 10. VA Medical Care .....   | 10-1 |
| 11. Loan Guaranty .....   | 11-1 |
| 12. Insurance .....   | 12-1 |
| 13. Vocational Rehabilitation .....   | 13-1 |
| 14. Veterans' Education Assistance .....                                    | 14-1 |
| 15. Dependents' Education Assistance .....                                  | 15-1 |
| 16. Debt Management; Committee on Waivers .....                             | 16-1 |
| 17. Appellate Processes .....   | 17-1 |
| 18. Discharge Reviews; Correction of Military Records .....                 | 18-1 |
| 19. Special Benefits.....   | 19-1 |
| 20. Glossary of Terms.....  | 20-1 |
| 21. Rate Chart, Forms, UME's, and SMC Codes.....                            | 21-1 |
| 22. Answer Key.....   | 22-1 |

## **TRAINING MODULE 4**

### **Study Plan**

### **SERVICE CONNECTED DISABILITY COMPENSATION**

#### **Objective:**

To learn how to assist a veteran with a claim for service connected disability or other compensation, and to become familiar with the references used in these types of cases.

#### **References:**

Title 38, U.S. Code, Chapter 11

38 Code of Federal Regulations Part 3, §§ 3.301–3.385; § 3.800; §§ 3.951-3.957; Part 4.

Adjudication Manual 21-1, Part VI: Part 1, Appendix B.

Adjudication Manual M21-1MR (Manual Rewrite), Subpart IV; Part 4, Subparts II and III.

VA Pamphlet, 80-0-1, Federal Benefits for Veterans and Dependents.

#### **Instructions:**

Study the assigned reference materials to learn how service connection may be established for various conditions and what are the bases for payment of disability compensation. Although the program is called “Compensation and Pension,” be careful not to confuse the different types of benefits. Pay very careful attention to the information given in the initial application for compensation, as that will be the basis for development of the claim.

#### **Summary:**

##### **1. Service Connection:**

Service connection is the relationship of a particular disabling condition to the veteran’s service. This is accomplished by showing that the condition began during service (incurrence), or that a pre-existing condition was made permanently worse than it would have otherwise been (aggravation), or by the application of certain statutory presumptions. The following paragraphs detail the four ways to accomplish service connection for a disabling condition(s).

Formal application for service-connected disability compensation is made by submitting a completed VA Form 21-526, *Veteran's Application for Compensation or Pension*, together with appropriate medical and other supporting evidence. Under certain circumstances, an application for service-connected compensation may also be an application for nonservice-connected disability pension, if the veteran served during a wartime period and completes the portions of the application pertaining to total disability and to family income and net worth.

## TRAINING MODULE 4

### Study Plan

#### A. Direct:

An incurred disability may have been directly caused by service (e.g., a combat wound), or it may be the remote result of some incident of service (e.g., cancer due to asbestos exposure), or it may have simply begun coincident with service (e.g., diabetes). It is not required that the condition be shown in the service records, only that the evidence taken as a whole shows that the condition must have begun during service, or was the result of service or some incident thereof.

#### B. Aggravation:

A pre-existing disability which becomes permanently worse during service will be held to have been aggravated by service unless there is a specific finding that the increased severity is the result of the condition's natural progress. The veteran is presumed to be in sound condition at the time of entry into service except for conditions noted on the entrance examination. This presumption may be rebutted by clear and convincing evidence that a condition existed before the veteran entered service.

For conditions which first appear after entering service, the veteran is presumed to have been in sound condition at the time of entry into service except for those conditions actually noted on the entrance examination (this does not include conditions recorded by history only). This presumption of soundness may be rebutted by clear and convincing evidence that the particular condition existed before the veteran entered service and was not aggravated by service.

Service connection based on either incurrence or aggravation during service is called **direct** service connection. Direct service connection may only be established for a chronic or permanent disability. This can be established in several ways:

- (1) The conditions listed in 38 CFR § 3.309(a) are chronic by definition, as a matter of law—if one of these conditions is properly diagnosed in service, then it does not matter how long after service the veteran first claims service connection or how long after service the condition again becomes manifest; it is considered to be the same condition as was shown in service, unless the current condition is clearly shown to be of intercurrent origin. [38 CFR § 3.303(b)]
- (2) Some disabilities are by their very nature permanent, such as amputations or scars from burns, combat wounds or surgical procedures.
- (3) Continuity and chronicity may be factually established, by repeated episodes or recurrences of the condition during and/or after service. The longer the interval between service and the time the veteran claims service connection, the greater the evidence of continuity and chronicity required.
- (4) In all other cases, there must be medical evidence or a professional opinion linking or relating the current condition(s) to the disease, injury, or incident in service (the "nexus").

## TRAINING MODULE 4

### Study Plan

#### C. Presumption:

Certain chronic and tropical diseases will be **presumed** to have begun during service if they become manifest to a compensable degree within a specified time (generally, one year) after service, even though there is no evidence of the disease during service. Chronic diseases shown before service, but not during service, may be presumed to have been aggravated by service if they then become manifest to a compensable degree within the specified time periods. In addition, specified diseases are presumed to be the result of certain incidents of service (prisoner of war, participation in "radiation-risk" activities, herbicide exposure) if they become manifest to a compensable degree at any time after service (lifetime presumption). Other presumptive periods are specified for undiagnosed illnesses associated with service in the Persian Gulf area (until September 30, 2011), and for certain diseases associated with herbicide exposure (one year after leaving Vietnam for chloracne, Porphyria cutanea tarda, and peripheral neuropathy). [38 CFR § 3.307(a)] These presumptions are intended to be liberalizing features, to allow service connection when the evidence would not otherwise support it.

The diseases to which presumptions may be applied are listed in 38 CFR § 3.309 (§ 3.317 for Gulf War undiagnosed illnesses). The various time limits for manifestation of presumptive diseases are listed under 38 CFR § 3.307(a). **ONLY THE DISEASES SPECIFICALLY LISTED, AND NO OTHERS**, are subject to a presumption of service connection. These presumptions may be rebutted by affirmative evidence showing that the disease being claimed was either due to intercurrent causes or could not have had its inception within the specified time frame(s), or, if the disease pre-existed service, that any increase in its severity was due to its natural progress.

No presumptions may be invoked on the basis of the degree of advancement of the disease when first definitely found (after the presumptive period) to establish that the disease was present to the required extent during the applicable presumptive period. [38 CFR § 3.307(c)] This does not mean that the disease must be *diagnosed* during the presumptive period, only that there is acceptable evidence of characteristic manifestations of the disease to the required degree, followed without an unreasonable lapse of time by a definitive diagnosis. (Note, however, that the degree of advancement of a condition at the time it is first found *may* be a basis for finding that the condition was present but unrecognized while the veteran was still on active duty.)

#### D. Secondary:

Secondary service connection may be established for a new condition, which is directly and proximately caused by an established service connected condition. Under certain circumstances, secondary service connection may be established for a non-service connected condition that is aggravated beyond its normal progression by a service connected condition.

There are special rules for establishing service connection for a hearing loss. Notwithstanding that no hearing loss is shown on entrance examination, and that while on active duty the veteran is diagnosed as having a hearing loss, service connection still may not be established for that hearing loss unless and until it meets the minimum levels set out in 38 CFR 3.385.

## TRAINING MODULE 4

### Study Plan

Service connection may not be established for transitory illnesses or superficial injuries, which resolve or heal with no ascertainable chronic or permanent residuals. [38 CFR § 3.303(b)] Similarly, service connection may not be established for congenital or developmental defects such as a personality disorder or simple refractive error of the eye. [38 CFR §§ 3.303(c), 4.9] Service connection by aggravation may not be established if the pre-existing condition does not become *permanently* worse during or after service, except for conditions which become symptomatic during or immediately following combat or internment as a prisoner of war. [38 CFR § 3.306(b)(2)] Remedial treatment in service for a pre-existing condition will not establish service connection unless the treatment is unsuccessful or otherwise aggravates the condition. [38 CFR § 3.306(b)(1)] Service connection may not be established for any disease or injury which is not incurred or aggravated in line of duty, or which is either the direct or the remote result of the veteran's own willful misconduct. [38 CFR § 3.301(a)]

There is no minimum length of service required to establish direct service connection by incurrence or aggravation. Presumptive service connection for a chronic or tropical disease requires that the veteran have at least 90 consecutive days of active service during a wartime period or after January 31, 1946. [38 CFR § 3.307(a)(1)] Presumptions based on status as a prisoner of war require that the veteran have been held captive for at least 30 days, except for mental or emotional disorders (not dementias), residuals of frostbite, post-traumatic arthritis, hypertensive cardiovascular disease and atherosclerotic cardiovascular disease and their complications, including stroke, congestive heart failure, etc., which have no minimum length of captivity requirement. [38 CFR § 3.309(c)] Other presumptions require affirmative evidence that the veteran met (or meets) specific requirements such as to exposure, service at specified locales during specified times, etc.

When service connection has been established for a condition under any provision of applicable law, including the provisions described above, such service connection may not be removed (severed) unless evidence clearly shows that the establishment of service connection was clearly and unmistakably erroneous, and that the continuation of service connection cannot be maintained or supported under any reasonable theory (the burden of proof being on the government). [38 CFR § 3.105(d)] When service connection for any condition has been in effect for ten years, it becomes protected and may not be severed for any reason whatsoever, except upon a showing that it was based on fraud, or a showing that the veteran did not have the requisite service or character of discharge. [38 CFR § 3.957]

### 2. Compensation:

Disability compensation is the monthly monetary benefit payable for service connected disabilities. Compensation rates are not income-based, but are determined by the level of impairment in accordance with the Schedule for Rating Disabilities (38 CFR, Part 4). There are eleven possible levels of disability assignable for any condition, from 0% to 100%, in 10% increments. Each listed degree of severity is based on the *average* impairment of earning capacity for a person with that condition at that level of symptomatology. The veteran's age is not considered in this determination. When a disability has been evaluated at or above any given level for twenty years or more, the evaluation is protected and may not be reduced below that level for any reason other than a showing that it was based upon fraud. [38 CFR § 3.951]



## TRAINING MODULE 4

### Study Plan

If there is more than one service connected condition, the percentages are not added together to determine the overall degree of disability. Rather, they are combined in accordance with the combined ratings table set out in 38 CFR 4.25.

If the combined evaluation is 30% or greater, additional rates of compensation may be payable for the veteran's dependents. If the veteran's spouse is disabled and in need of aid and attendance, additional amounts above the regular rates may be payable. Additional amounts may also be payable for the veteran's child or children up to age 18, or beyond age 18 if the child is attending an approved school (up to age 23), or if the child became disabled and permanently incapable of self-support (helpless) before age 18. Additional amounts may also be payable if the veteran's parents are dependent on the veteran for support.

If a veteran has multiple compensable (10% or more) service connected conditions involving both arms or legs, or paired skeletal muscles, the combined evaluation for only those conditions is first found, before considering any other condition(s); 10% is then added (not combined) to that combined evaluation, and any other remaining service connected conditions are then combined with that total in the usual manner. This is the "**bilateral factor**." The bilateral factor is not for application if the veteran is otherwise ratable at 100%; however, it may be used to reach an overall combined 100% rating. Also, if a veteran has multiple service connected conditions with one single condition rated 100% plus other, separate, compensable conditions involving paired extremities or paired skeletal muscles, the bilateral factor may be used to reach an independent combined rating of 60% for entitlement to special monthly compensation (see below).

If a veteran has two or more service-connected conditions which are each individually rated as non-disabling (0%) but which together clearly interfere with normal employability, compensation may be authorized at the 10% rate, but not in combination with any other rating. [38 CFR § 3.324]

If service connection is established by aggravation, the degree of severity of the condition at the time the veteran entered service must be determined, if possible. That evaluation is then deducted from the current evaluation, and the resulting difference is the degree of aggravation. If the pre-service degree of severity cannot be determined, no deduction is made. Also, if the condition is currently evaluated as 100% disabling no deduction is made. [38 CFR §§ 3.322, 4.22]

If a veteran is hospitalized for more than twenty-one days for observation or treatment of a service-connected condition, a temporary 100% rating may be assigned for that condition without regard to other provisions of the *Schedule for Rating Disabilities*, from the date of hospital admission to the last day of the month of hospital discharge. Under certain circumstances, a period of post-hospital convalescence of one, two, or three months may also be assigned. [38 CFR § 4.29]

If a veteran undergoes surgical treatment for a service-connected condition, whether as an inpatient or as an outpatient, or has therapeutic immobilization by cast of one or more joints for a service-connected condition and such treatment or immobilization requires a period of convalescence of one month or more, a temporary 100% rating may be assigned for that condition without regard to other provisions of the *Schedule for Rating Disabilities*, beginning the date of hospital admission or the date the outpatient treatment commenced and extending for a period of convalescence of one, two, or three months, as appropriate. In certain instances, the period of convalescence may be extended, up to a maximum length of twelve months. [38 CFR § 4.30]

## TRAINING MODULE 4

### Study Plan

Additional amounts of special monthly compensation are payable for the anatomical loss or the loss of use of one or both hands, feet, eyes, or other specified parts. (See special monthly compensation chart in Module 21 for detailed explanation) Special monthly compensation is also payable if the veteran has one single service connected condition rated 100% disabling plus other, separate, service connected condition(s) independently ratable at 60% or more in combination, or if the veteran is permanently housebound or in need of regular aid and attendance.

Veterans whose combined evaluations are less than 100% may still be rated totally disabled and paid at the 100% rate, if they are unable to follow substantially gainful employment (individual unemployability) because of their service connected disabilities. Marginal employment, defined as earned annual income less than the poverty threshold for one person, is not "substantially gainful employment," and does not preclude a finding of individual unemployability.

The various rates of compensation and special monthly compensation are set out in Adjudication Manual M21-1, Appendix B.

Usually, only service connected disabilities are considered in determining the levels of disability compensation. There are two exceptions: If a veteran has loss or loss of use of paired extremities (arms, legs) or paired organs (eyes, ears, kidneys, lungs), and one extremity or organ is service connected but the other extremity or organ is not service connected (and not the result of willful misconduct), disability compensation is paid as though both were service connected. Since these disabilities are at least in part service connected, the veteran is entitled to all ancillary benefits flowing there from. However, if the veteran receives any payment from a judicial award, settlement, or compromise based on the loss or loss of use of the paired (non-service connected) extremity or organ, the additional portion of compensation based on that loss must be withheld to recover the amount of the award, settlement, or compromise. This does not apply to Social Security or Workman's Compensation benefits, even if they were awarded by judicial proceedings.

The second exception is disability compensation under 38 USC Section 1151. If a non-service connected disabling condition is caused by, or aggravated by, VA examination, hospitalization, medical or surgical treatment, or Vocational Rehabilitation, compensation is payable for that condition as though the condition was service connected. Remember, however, that even though compensation is being paid, the condition is in fact not service connected and should not be called such. Except for certain ancillary benefits which specifically require that the qualifying disability have been incurred in or aggravated by military service, disability benefits under these provisions are essentially indistinguishable from service-connected benefits. Compensation for disabilities under Section 1151 may be combined with compensation for any service connected conditions the veteran may also have.

## TRAINING MODULE 4

### Study Plan

If the veteran is awarded any amount from a judicial judgment, settlement, or compromise for the same condition(s) for which compensation under Section 1151 has been (or will be) authorized, the compensation payable for such condition(s) must be withheld until the full amount of the judgment, settlement, or compromise has been recovered.

In general, Federal law prohibits **dual compensation** (payment from two or more Federal sources) based upon the same service and/or the same disability. For example, a veteran who is employed by the Federal government as a civilian and who is also receiving military retired pay must waive the retired pay to have that military service included in Civil Service computations of longevity and seniority. Similarly, a veteran receiving military retired pay, whether for length of service or for disability, must waive an amount of retired pay equal to the rate of VA disability compensation payable (the "compensation offset") in order to be paid the VA compensation. If the VA compensation rate is greater than the veteran's retired pay, then the retired pay must be waived in its entirety for the full amount of compensation to be paid. Similar provisions apply when the veteran has been paid readjustment pay, severance pay, separation pay, etc.—generally, the full amount of such pay (or a specified percentage of it in certain cases) must be recovered from the VA compensation before compensation may be paid to the veteran. [38 USC 5304(a), 5305; 38 CFR §§ 3.750–3.754] There are two exceptions to these rules:

First, a veteran who (1) had twenty years or more of qualifying active military, Reserve, or National Guard service creditable for longevity retirement, and (2) is rated by VA as being service-connected for any disability or disabilities and 50% or more disabled overall, may receive **Concurrent Retirement and Disability Pay (CRDP)**. Essentially, the veteran's regular retired pay is fully restored, with the VA compensation simply added to it. For certain veterans the full amount of the benefit is being phased in over a multi-year period, depending on their VA rating. Although the VA compensation is not taxable, CRDP is taxable income, the same as regular retired pay. CRDP is also subject to the same collection actions as regular retired pay (e.g., alimony, child support, community property, etc.). The Defense Finance and Accounting Service (DFAS) is solely responsible for implementing this program. For veterans who qualify, the implementation is automatic; no action or application on the veteran's part is required. (See also <http://www.military.com/Resources/ResourcesContent/0,13964,38378,00.html>.)

The second exception is that a veteran who (1) had twenty years or more of qualifying active military or Reserve service creditable for longevity retirement, and (2) is rated by VA as having one or more compensable (10% or more) service-connected disabilities related to combat, may receive **Combat-Related Special Compensation (CRSC)** based on such combat-related disabilities (only). The amount of CRSC payable is the amount of VA compensation offset from the veteran's retired pay, based on (only) those disabilities which are determined to be combat-related.

## TRAINING MODULE 4

### Study Plan

The individual service departments have exclusive jurisdiction and responsibility for determining whether any given disability is combat-related. Disabilities which are related to herbicide exposure, radiation exposure, poison gas exposure, or Gulf War illnesses will be presumed to be combat-related. PTSD will require documentation of combat origin. Like VA compensation, CRSC is not taxable. If otherwise appropriate, CRSC payments may be made effective retroactively to June 1, 2003. Beginning January 1, 2008, an eligible military retiree who retired with fewer than twenty years of creditable service but who has service-connected disabilities related to combat will also be eligible for payment of CRSC, but at reduced rates. (See also [http://www.defenselink.mil/prhome/docs/crsc\\_nov06.pdf](http://www.defenselink.mil/prhome/docs/crsc_nov06.pdf) and [http://www.defenselink.mil/prhome/docs/CRSC\\_Guidance\\_104.pdf](http://www.defenselink.mil/prhome/docs/CRSC_Guidance_104.pdf).)

A specific application is required for CRSC: DD Form 2860, *Application for Combat-Related Special Compensation (CRSC)*, which is available online and may be downloaded from <http://www.defenselink.mil/prhome/mppcrsc.html>, or which may be requested from the appropriate Personnel Center for the veteran's branch of service. Necessary documentation to accompany the application may include (but is not limited to) a copy of the veteran's DD-214s, copies of VA rating decisions, copies of relevant pages from either or both service medical records and/or VA medical records, and copies of award citations or orders for Purple Heart(s) and other combat decorations.

For those veterans who would qualify under both CDRP and CRSC, until December 2005 they were paid under whichever program resulted in a higher dollar payment amount. Beginning December 2005, an annual open season has been established for eligible veterans to elect which program they wish to receive payments under during the coming year.

#### **38 CFR Section 4.16 Total disability ratings for compensation based on unemployability of the individual.**

- (a) Total disability ratings for compensation may be assigned, where the schedular rating is less than total, when the disabled person is, in the judgment of the rating agency, unable to secure or follow a substantially gainful occupation as a result of service connected disabilities: Provided that, if there is only one such disability, this disability shall be ratable at 60 percent or more, and that, if there are two or more disabilities, there shall be at least one disability ratable at 40 percent or more, and sufficient additional disabilities to bring the combined rating to 70 percent or more. For the above purpose of one 60 percent disability or one 40 percent disability in combination, the following will be considered as one disability:
  - (1) Disabilities of one or both upper extremities, or of one or both lower extremities, including the bilateral factor, if applicable,
  - (2) Disabilities resulting from common etiology or a single accident,
  - (3) Disabilities affecting a single body system, e.g. orthopedic, digestive, respiratory, cardiovascular-renal, neuropsychiatric,
  - (4) Multiple injuries incurred in action, or
  - (5) Multiple disabilities incurred as a prisoner of war

## TRAINING MODULE 4

### Study Plan

It is provided further that the existence or degree of nonservice connected disabilities or previous unemployability status will be disregarded where the percentages referred to in this paragraph for the service connected disability or disabilities are met and in the judgment of the rating agency such service connected disabilities render the veteran unemployable. Marginal employment shall not be considered substantially gainful employment. For purposes of this section, marginal employment generally shall be deemed to exist when a veteran's earned annual income does not exceed the amount established by the U.S. Department of Commerce or Bureau of the Census as the poverty threshold for one person. Marginal employment may also be held to exist, on a facts found basis (includes but is not limited to employment in a protected environment such as a family business or sheltered workshop), when earned annual income exceeds the poverty threshold. Consideration shall be given in all claims to the nature of the employment and the reason for termination.  
(Authority: 38 U.S.C. 501(a))

- (b) It is the established policy of the Department of Veterans Affairs that all veterans who are unable to secure and follow a substantially gainful occupation by reason of service connected disabilities shall be rated totally disabled. Therefore, rating boards should submit to the Director, Compensation and Pension Service, for extra-schedular consideration all cases of veterans who are unemployable by reason of service connected disabilities, but who fail to meet the percentage standards set forth in paragraph (a) of this section. The rating board will include a full statement as to the veteran's service connected disabilities, employment history, educational and vocational attainment and all other factors having a bearing on the issue.

#### **4.29 Ratings for service connected disabilities requiring hospital treatment or observation.**

A total disability rating (100 percent) will be assigned without regard to other provisions of the rating schedule when it is established that a service connected disability has required hospital treatment in a Department of Veterans Affairs or an approved hospital for a period in excess of 21 days or hospital observation at Department of Veterans Affairs expense for a service connected disability for a period in excess of 21 days.

- (a) Subject to the provisions of paragraphs (d), (e), and (f) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service connected disability. A temporary release, which is approved by an attending Department of Veterans Affairs physician as part of the treatment plan, will not be considered an absence.
  - (1) An authorized absence in excess of four days, which begins during the first 21 days of hospitalization, will be regarded as the equivalent of hospital discharge effective the first day of such authorized absence.  
An authorized absence of four days or less which results in a total of more than eight days of authorized absence during the first 21 days of hospitalization will be regarded as the equivalent of hospital discharge effective the ninth day of authorized absence.

## TRAINING MODULE 4

### Study Plan

- (2) Following a period of hospitalization in excess of 21 days, an authorized absence in excess of 14 days or a third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which either the authorized absence in excess of 14 days or the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) or (f) of this section. The termination of these total ratings will not be subject to 3.105(e) of this chapter.
- (b) Notwithstanding that hospital admission was for disability not connected with service, if during such hospitalization, hospital treatment for a service connected disability is instituted and continued for a period in excess of 21 days, the increase to a total rating will be granted from the first day of such treatment. If service connection for the disability under treatment is granted after hospital admission, the rating will be from the first day of hospitalization if otherwise in order.
- (c) The assignment of a total disability rating on the basis of hospital treatment or observation will not preclude the assignment of a total disability rating otherwise in order under other provisions of the rating schedule, and consideration will be given to the propriety of such a rating in all instances and to the propriety of its continuance after discharge. Particular attention, with a view to proper rating under the rating schedule, is to be given to the claims of veterans discharged from hospital, regardless of length of hospitalization, with indications on the final summary of expected confinement to bed or house, or to inability to work with requirement of frequent care of physician or nurse at home.
- (d) On these total ratings Department of Veterans Affairs regulations governing effective dates for increased benefits will control.
- (e) The total hospital rating if convalescence is required may be continued for periods of one, two or three months in addition to the period provided in paragraph (a) of this section.
- (f) Extension of periods of one, two or three months beyond the initial three months may be made upon approval of the Adjudication Officer.
- (g) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need post-hospital care and a prolonged period of convalescence will be referred to the Director, Compensation and Pension Service, under 3.321(b)(1) of this chapter.

## TRAINING MODULE 4

### Study Plan

#### 4.30 Convalescent ratings.

A total disability rating (100 percent) will be assigned without regard to other provisions of the rating schedule when it is established by report at hospital discharge (regular discharge or release to non-bed care) or outpatient release that entitlement is warranted under paragraph (a)(1), (2), or (3) of this section effective the date of hospital admission or outpatient treatment and continuing for a period of one, two or three months from the first day of the month following such hospital discharge or outpatient release. The termination of these total ratings will not be subject to 3.105(e) of this chapter. Such total rating will be followed by appropriate scheduler evaluations. When the evidence is inadequate to assign a scheduler evaluation, a physical examination will be scheduled and considered prior to the termination of a total rating under this section.

(a) Total ratings will be assigned under this section if treatment of a service connected disability resulted in:

- (1) Surgery necessitating at least one month of convalescence (effective as to outpatient surgery March 1, 1989.)
- (2) Surgery with severe postoperative residuals such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). (Effective as to outpatient surgery March 1, 1989.)
- (3) Immobilization by cast, without surgery, of one major joint or more. (Effective as to outpatient treatment March 10, 1976.)

A reduction in the total rating will not be subject to 3.105(e) of this chapter. The total rating will be followed by an open rating reflecting the appropriate scheduler evaluation: where the evidence is inadequate to assign the scheduler evaluation, a physical examination will be scheduled prior to the end of the total rating period.

(b) A total rating under this section will require full justification on the rating sheet and may be extended as follows:

- (1) Extensions of one, two or three months beyond the initial three months may be made under paragraph (a)(1), (2), or (3) of this section.

## TRAINING MODULE 4

### Study Plan

- (2) Extensions of one or more months up to six months beyond the initial six month period may be made under paragraph (a)(2) or (3) of this section upon approval of the Adjudication Officer.

#### **M21-1, PART IV**

#### **SECTIONS 20.39-20.39.1**

#### **20.39 SEVERANCE PAY (10 USC 3786) NOT SUBJECT TO RECOUPMENT**

Severance pay awarded under 10 USC 3786 (Pub. L. 86-155) is a lump-sum payment to members of the regular establishment who are separated usually due to their failure to qualify for promotion. There is no provision in the law requiring refund of severance pay awarded under this section. This provision of Title 10 was repealed by Public Law 96-513, effective September 15, 1981. Any individual separated after that date who would have been entitled to severance pay under 10 USC 3786 will receive separation pay, subject to recoupment, under 10 USC 1174. See paragraph 20.31a(3).

#### ***DISCHARGE REVIEW***

There are several means by which injured military personnel may obtain compensation, including disability discharge and retirement programs administered by the service branches and compensation programs administered by the U.S. Department of Veterans Affairs. But since injured personnel (or their families in some instances) will be compelled at a time of great anxiety in their lives to make decisions on matters that have significant long-term consequences,

it is very important for injured personnel to understand that waiving certain rights in order to obtain some immediate benefit, such as release from active duty, may not serve their best interests in the long run. There is no need for disabled reservists or National Guard members to rush back to their civilian jobs, which may pay more, since their position is protected by the Veterans Reemployment Rights Act. If necessary, they can keep their options open by requesting excess leave without pay.

**Note:** For the sake of editorial consistency, the word "service member" and the masculine pronouns "he" and "his" have been used throughout this article; it should be understood that these words are meant to refer to both servicemen and servicewomen.

#### ***Disability Discharge Process***

The military disability discharge process is very complicated, and problems that already exist with this process will surely be exacerbated when the service departments have to deal with large numbers of combat-related disabilities. However, the options available to injured and disabled military personnel are clearly set in place. Provided that their injuries are not the result of their own intentional misconduct or willful neglect (for which disabled service members are promptly discharged without benefits of any kind), military personnel who are disabled while on active duty can be:

- (A) treated and returned to duty, if and when they are fit for duty;
- (B) discharged as medically unfit, with disability severance pay, if the degree of disability is less than 30 percent, according to the VA rating schedule (38 C.F.R. Part 4, also used by the service departments);



## TRAINING MODULE 4

### Study Plan

(C) placed on the Temporary Disability Retired List (TDRL) with a temporary rating, to be evaluated later for permanency; or

(D) medically retired (disability retirement) with a percentage rating, giving them many of the same benefits awarded to regular military retirees (most desirable if the individual has been seriously and permanently injured).

*Each of these options is discussed in detail, below:*

#### ***Return to Active Duty***

If the service member is injured but recovers sufficiently to return to active duty, he should be sure that he or his family obtains complete copies of the medical records of his injury and how it was treated. Though the injury will be noted in his service record, many of the details of his injury may not appear there. If he should experience any delayed effects of the injury after later release from service, the records he obtains from the hospital or the doctor who treated him will be valuable evidence when he applies for VA disability benefits. Without such records in his file, the service member may even find it difficult to document his injury for the VA.

Generally, it is helpful in every case of injury for the service member to obtain copies of these records.

#### ***Discharge with Disability Severance Pay***

A service member who has less than 20 years of service and a disability evaluation of less than 30 percent may be discharged as not fit for duty with severance pay, which is paid at separation in a lump sum, based on the basic pay of the service member's current active duty grade. If the service member's disability was caused by armed conflict or extra-hazardous service, his severance pay does not count as taxable income. Although the service member may be eligible for VA compensation benefits for the same disability for which he received his severance pay, the VA will not be able to pay any compensation benefits for this disability until the total amount of the compensation benefits, which would have been paid, is equal to the amount of the severance pay. An exception to total recoupment of VA compensation is the veteran receives an increase in compensation for same disability at a later date, the VA will only recoup at the original rating.

For example: A veteran has an original rating of 10% and later receives an increase to 20%, the VA will only recoup at the 10% rate and the veteran will receive compensation for the difference. Also, if the veteran is rated totally disabled (100%) for same condition, the VA will stop all recoupment.

Separation with severance pay is tempting to many service members because it gives them an opportunity to leave the service immediately, even if they suspect that their injuries are more than 30 percent disabling.

## **TRAINING MODULE 4**

### **Study Plan**

However, severance pay is a one time, lump-sum payment. Disability retirement provides monthly benefits and may yield higher benefits in the long run. In addition, a higher disability percentage at discharge may improve the service member's chances of obtaining higher VA service connected compensation. Thus, it may be wise for the service member to challenge his disability rating if he thinks it is too low, even though this will mean staying in the military for a longer period of time.

#### **Medical Retirement**

A service member who is medically retired (disability retirement) with a disability rating of 30 percent or more will be paid between 30 and 75 percent of his basic pay for the rest of his life. Since he is viewed as a retired service member, he is also entitled to all of the retirement benefits, such as PX privileges and health care, to which other retired military personnel are entitled, plus an income tax exclusion.

Disability retirement pay is calculated in one of two ways, based on the service member's basic pay and either length of service or percentage of disability.

He can choose the method of computation that will give him the highest benefits. In such cases, though the VA is not required to accept the disability evaluation of the service department, the VA does review these decisions after the service member has been retired and accords them some weight.

Personnel are permanently retired on disability if their disabilities are permanent, but when it is not clear whether the disability is permanent, they are placed on the Temporary Disability Retired List (TDRL), with pay based on the degree of disability, and re-evaluated every 18 months. Final decisions are made in such cases after five years. As noted above, permanent disability retirement is usually most desirable if the service member has suffered a serious injury.

#### **PAYMENT OF COMPENSATION DURING CONFINEMENT IN PENAL INSTITUTIONS (38 USC 5313 and 38 CFR 3.665)**

- (A) Compensation may not be paid in excess of certain amounts for any person incarcerated in a federal, state or local penal institution for conviction of a felony for any period beginning on the 61<sup>st</sup> day of incarceration. The person's dependents may have the right to an apportionment while the beneficiary is incarcerated.
- (B) This restriction in payments applies to persons incarcerated due to conviction of a felony committed after October 7, 1980, or, regardless of when the felony was committed, if the person was incarcerated on October 1, 1980, and if an award of compensation is approved after September 30, 1980.
- (C) Veterans rated 20 percent or more disabled in receipt of compensation are limited to the rate of 10 percent disability. Veterans rated less than 20 percent, 10 percent or special monthly compensation (k) or (q), are limited to one-half of the 10 percent rate.

## TRAINING MODULE 4

### Study Plan

- (D) All or part of the compensation not paid to an incarcerated veteran may be apportioned to the veteran's spouse, child or children and dependent parents on the basis of individual need. In determining individual need consideration shall be given to such factors as the apportionee claimant's income and living expenses, the amount of compensation available to be apportioned, the needs and living expenses of other apportionee claimants as well as any special needs, if any, of all apportionee claimants.
- (E) Any apportionments will be discontinued and full benefits restored to the beneficiary upon release from incarceration or upon participation in a work release or halfway house program.

### APPLICATION PROCESS FOR COMPENSATION

- (A) An original claim can be made formally by completing and submitting to any VA office the VA Form 21-526, Veterans Application for Compensation or Pension, or informally by communicating to the VA a definite intent to apply. (See Module 19, Special Benefits for details on informal claims)
- (B) Once a VA Form 21-526 has been completed and submitted, it is generally not necessary to resubmit this form to obtain further claims action. Any time after submission of a formal claim, the veteran can request reconsideration based on the existence of new and material evidence. Medical evidence should be submitted to indicate a change in the severity of a service connected disability. Other pertinent evidence might take the form of statements (VA Form 21-4138, Statement in Support of Claim), additional history of medical treatment, or record of ability to perform on the job. A request can also be made for consideration for service-connection of disabilities not previously claimed.
- (C) In requesting consideration of a total disability rating based on unemployability, VA Form 21-8940, Veterans Application for Increased Compensation Based on Unemployability, may be used.
- (C) If a claim for disability compensation is made within one year after release from active duty, the effective date of the award will be the date following such release. Claims made after one year from the date of release from active service are generally effective from the first day of the month following the date of receipt of the claim by VA.
- (F) Compensation may also be paid when injury, either directly or by aggravation, results from submitting to an examination, medical or surgical treatment, hospitalization, or the pursuit of a course of vocational rehabilitation (38 USC Ch 31) under any law administered by VA. (1151 claim).

### CLOTHING ALLOWANCE

Veterans who, because of a service connected disability, wear prosthetic devices which may wear out their clothing or who use wheelchairs are eligible for a clothing allowance. (PL 101-237).

## TRAINING MODULE 4

### Study Plan

#### Study Questions: Service Connection Disability Compensation

Using the assigned references and reading materials, answer the following questions:

1. Define the term Service Connected Disability:
2. Define the term compensation:
3. List the different ways to establish service connection for a disability:
  - a.
  - b.
  - c.
  - d.
4. What is the minimum combined evaluation for which additional compensation for dependents may be paid? \_\_\_\_\_%
5. All veterans who served in Vietnam during the Vietnam Era are considered to have been exposed to herbicides.
  - a. True
  - b. False
6. A veteran is rated 30% for a heart condition, 20% for a knee condition, and 10% for hearing loss. His combined evaluation is: \_\_\_\_\_%
7. Define the term Individual Unemployability:
8. Compensation rates are income based.
  - a. True
  - b. False
9. Disability Severance Pay is a lump sum payment made to a service member who has less than 20 years of service and has a disability evaluation of less than 30 percent and is discharged from service as not fit for duty.
  - a. True
  - b. False

## TRAINING MODULE 4

### Study Plan

10. Is Disability Severance Pay subject to recoupment? If so, explain how and what agency recoups the money

11. 38 CFR 4.30, Convalescent ratings, stipulates that a total disability rating (100 percent) will be assigned if treatment of a service connected disability resulted in:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

12. A veteran in receipt of compensation rated at 50% who has a spouse and two children under 18, will receive what monetary benefit? (no other factors involved) \_\_\_\_\_

13. Explain what is required to reopen a previously denied service connected claim. Tell what VA Form(s) is required and what supporting documentation.

14. At what point is a service connected disability rating protected? \_\_\_\_\_

15. What does a guardsman/reservist have to show for requesting a service connected issue?

## **TRAINING MODULE 4**

### **Study Plan**

#### **ORIGINAL CLAIM**

VA Form 21-22 – Appointment of Veterans Service Organization as Claimant's Representative

VA Form 21-526 – Application for Veterans Compensation/Pension

Certified DD 214

Social Security numbers of all dependents

Current medical evidence to provide nexus/link (if claim filed within one year of discharge, medical evidence not necessary)

Optional documents to submit:

Marriage Certificate

Divorce decrees from all previous marriages for both veteran and spouse

If applicable, death certificate of previous marriages for both veteran and spouse

Birth certificates for all minor children and children over 18 in school

If an unmarried child(ren) over 18 still in school, submit VA Form 21-674 for each child over 18

#### **REOPEN PREVIOUSLY DENIED S/C CLAIM**

VA Form 21-4138 – Statement in Support of Claim

New and Material Evidence

Current medical evidence (nexus/link)

If dependency not current or previously established, submit:

VA Form 21-686c – Declaration of Martial Status

Social Security numbers of all dependents

#### **CLAIM FOR INCREASED S/C**

VA Form 21-4138

Current medical evidence indicating s/c condition has worsened

If dependency not current or previously established, submit:

VA Form 21-686c

Social Security Numbers of all dependents

#### **CLAIM FOR INDIVIDUAL UNEMPLOYABILITY**

VA Form 21-8940 – Application for Individual Unemployability

VA Form 21-4192 – Employer's Statement

VA Form 21-4138

Current Medical Evidence if not already on file

If dependency not current or previously established, submit:


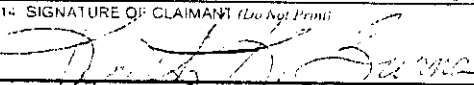
VA Form 21-686c

Social Security Numbers of all dependents

# TRAINING MODULE 4

## Study Plan

OMB Control No. 2900-0321  
Respondent Burden: 5 minutes

|   |   |  |  |
|---|---|--|--|
|  <b>Department of Veterans Affairs</b>   |   | <b>APPOINTMENT OF VETERANS SERVICE ORGANIZATION<br/>AS CLAIMANT'S REPRESENTATIVE</b>                                   |  |
| <p>Note - If you would prefer to have an individual assist you with your claim, you may use VA Form 21-22a, "Appointment of Individual As Claimant's Representative."</p>   |   |  |  |
| <p>IMPORTANT - PLEASE READ THE PRIVACY ACT AND RESPONDENT BURDEN ON REVERSE BEFORE COMPLETING THE FORM</p>  |   |  |  |
| <p>1. LAST-FIRST-MIDDLE NAME OF VETERAN<br/>BURNS, Kenneth K.</p>   |   | <p>2. VA FILE NUMBER (include prefix)<br/>000-00-0003</p>  |  |
| <p>3A. NAME OF SERVICE ORGANIZATION RECOGNIZED BY THE DEPARTMENT OF VETERANS AFFAIRS (See list on reverse side before selecting organization)<br/>NATIONAL ASSOCIATION OF COUNTY VETERANS SERVICE OFFICERS</p>  |   |  |  |
| <p>3B. JOB TITLE OF OFFICIAL REPRESENTATIVE AUTHORIZED TO ACT ON VETERAN'S BEHALF<br/>COUNTY VETERANS SERVICE OFFICER</p>   |   |  |  |
| <p align="center"><b>INSTRUCTIONS - TYPE OR PRINT ALL ENTRIES</b></p>   |   |  |  |
| <p>4. SOCIAL SECURITY NUMBER<br/>000-00-0003</p>  |   | <p>5. INSURANCE NUMBER(S) (include letter prefix)<br/>N/A</p>  |  |
| <p>6A. SERVICE NUMBER(S)<br/>000-00-0003</p>  |   | <p>6B. BRANCH OF SERVICE<br/>USMC</p>  |  |
| <p>7. NAME OF CLAIMANT (if other than veteran)<br/>SELF</p>   |   | <p>8. RELATIONSHIP (if other than veteran)</p>   |  |
| <p>9. ADDRESS OF CLAIMANT (No unit street or rural route; city or P.O. State and ZIP Code)<br/><br/>20100 KELLEY RANCH RD.<br/>SOMETOWN, CA 95000</p>   |   | <p>10. CLAIMANT'S TELEPHONE NUMBER (include Area Code)<br/>A. DAYTIME (209) 555-1212<br/>B. EVENING (209) 555-1212</p> |  |
| <p>11. DATE OF THIS APPOINTMENT</p>   |   |  |  |
| <p><b>12. AUTHORIZATION FOR REPRESENTATIVE'S ACCESS TO RECORDS PROTECTED BY SECTION 7332, TITLE 38, U.S.C.</b><br/>Unless I check the box below, I do not authorize VA to disclose to the service organization named on this appointment form any records that may be in my file relating to treatment for drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), or sickle cell anemia.</p> <p><input checked="" type="checkbox"/> I authorize the VA facility having custody of my VA claimant records to disclose to the service organization named in Item 3A all treatment records relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), or sickle cell anemia. Redisclosure of these records by my service organization representative, other than to VA or the Court of Appeals for Veterans Claims, is not authorized without my further written consent. This authorization will remain in effect until the earlier of the following events: (1) I revoke this authorization by filing a written revocation with VA, or (2) I revoke the appointment of the service organization named above, either by explicit revocation or the appointment of another representative.</p>           |   |  |  |
| <p><b>13. LIMITATION OF CONSENT</b> - My consent in Item 12 for the disclosure of records relating to treatment for drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), or sickle cell anemia is limited as follows:</p>  |   |  |  |
| <p>I, the claimant named in Items 1 or 7, hereby appoint the service organization named in Item 3A as my representative to prepare, present and prosecute my claim for any and all benefits from the Department of Veterans Affairs based on the service of the veteran named in Item 1. I authorize the Department of Veterans Affairs to release any and all of my records, to include disclosure of my Federal tax information (other than as provided in Items 12 and 13), to that service organization appointed as my representative. It is understood that no fee or compensation of whatsoever nature will be charged me for service rendered pursuant to this power of attorney. I understand that the service organization I have appointed as my representative may revoke this power of attorney at any time, subject to 38 CFR 20.608. <i>Additionally, in those cases where a veteran's income is being developed because of an income verification necessitated by an Internal Revenue Service verification match, the assignment of the service organization as the veteran's representative is only valid for five years from the date this form is signed for purposes restricted to the verification match.</i> Signed and accepted subject to the foregoing conditions.</p> |   |  |  |
| <p align="center"><b>THIS POWER OF ATTORNEY DOES NOT REQUIRE EXECUTION BEFORE A NOTARY PUBLIC</b></p>   |   |  |  |
| <p>14. SIGNATURE OF CLAIMANT (Do Not Print)<br/></p>   |   | <p>15. DATE SIGNED<br/>2-20-08</p>   |  |
| <p><b>VA<br/>USE<br/>ONLY</b></p>   | <p>VA FORM 21-22a SENT TO<br/><input type="checkbox"/> CER FILE <input type="checkbox"/> EDU FILE <input type="checkbox"/> INSURANCE FILE<br/><input type="checkbox"/> CH 30 <input type="checkbox"/> DEA FILE <input type="checkbox"/> LG FILE</p> | <p>DATE SENT</p>   | <p>ACKNOWLEDGED (Date)<br/>REVOKED (Reason and Date)</p> |
| <p>NOTE: As long as this appointment is in effect the organization named herein will be recognized as the sole agent for presentation of your claim before the Department of Veterans Affairs in connection with your claim or any portion thereof.</p>   |   |  |  |

VA FORM 21-22  
NOV 2005

SUPERSEDES VA FORM 21-22, JUN 2003,  
WHICH WILL NOT BE USED

# TRAINING MODULE 4 Study Plan



OMB Approved No. 2900-0001  
Respondent Burden: 1 hour 30 minutes

(DO NOT WRITE IN THIS SPACE)

## VETERAN'S APPLICATION FOR COMPENSATION AND/OR PENSION, VA Form 21-526, Part A: General information

Please read the attached "General Instructions" before you fill out this form.

|   |  |
|---|--|
| <p><b>SECTION I</b></p> <p><b>Tell us what you are applying for</b></p> <p>Check the box that says what you are applying for. Be sure to complete the other Parts you need.</p>   | <p>1. What are you applying for? If you are unsure please refer to the "General Instructions" page 2</p> <p>Section 1: Preparing your application</p> <p><input checked="" type="checkbox"/> Compensation Fill out Part A of VA Form 21-526 and Parts B and C</p> <p><input type="checkbox"/> Pension Fill out Part A of VA Form 21-526 and Parts C and D</p> <p><input type="checkbox"/> Compensation and Pension Fill out Part A of VA Form 21-526 and Parts B, C and D</p> <p>2a. Have you ever filed a claim with VA</p> <p><input checked="" type="checkbox"/> No (If "No," skip Item 2b and go to Item 3)<br/>(If "Yes," provide file number below)</p> <p><input type="checkbox"/> Yes (Go to 2b)</p> <p>2b. I filed a claim for</p> <p><input type="checkbox"/> Compensation <input type="checkbox"/> Pension</p> <p><input type="checkbox"/> Other</p>  |
| <p><b>SECTION II</b></p> <p><b>Tell us about you</b></p> <p>We need information about you to process your claim faster.</p> <p>Give us your current mailing address in the space provided. If it will change within the next three months, give us that new address in block 29 "Remarks." Also in block 29, give us the date you think you will be at the new address.</p> <p>OWCP used to be called the U.S. Bureau of Employees Compensation</p> | <p>3. What is your name?</p> <p>Judy Linn Doe</p> <p>First Middle Last Suffix (If applicable)</p> <p>4. What is your Social Security number?</p> <p>000-00-0002</p> <p>5. What is your sex?</p> <p><input type="checkbox"/> Male <input checked="" type="checkbox"/> Female</p> <p>6a. Did you serve under another name?</p> <p><input type="checkbox"/> Yes (If "Yes," go to Item 6b)</p> <p><input checked="" type="checkbox"/> No (If "No," go to Item 7)</p> <p>6b. Please list the other name(s) you served under</p> <p>7. What is your address?</p> <p>1 Marine Way</p> <p>Street address, Rural Route, or P.O. Box Apt. number</p> <p>Mytown CA 95000 USA</p> <p>City State ZIP Code Country</p> <p>8. What are your telephone numbers?</p> <p>Daytime (209) 555-1212</p> <p>Evening (209) 555-1212</p> <p>9. What is your e-mail address?</p> <p>NONE</p> <p>10. What is your date of birth?</p> <p>09/11/1945</p> <p>11. Where were you born? (City, State and Country)</p> <p>ROCK, CA</p> <p>12a. Are you receiving disability benefits from the Office of Workers' Compensation (OWCP)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>(If "Yes," answer 12b and 12c also)</p> <p>12b. When was the claim filed?</p> <p>N/A</p> <p>12c. What disability are you receiving benefits for?</p> <p>N/A</p> <p>13a. What is the name of your nearest relative or other person we could contact if necessary?</p> <p>Carl E. Doe</p> <p>13b. What is his/her telephone number?</p> <p>Daytime (209) 555-1212</p> <p>Evening (209) 555-1212</p> <p>13c. What is this person's address?</p> <p>1 Marine Way</p> <p>Mytown, CA 95000</p> <p>13d. How is this person related to you?</p> <p>SPOUSE</p> |

VA FORM  
JAN 2004

21-526

SUPERSEDES STOCKS OF VA FORM 21-526, APR 2003  
WHICH WILL NOT BE USED

21-526, Part A

page 1

4-20 Revision 1, January 2008



# TRAINING MODULE 4

## Study Plan

### SECTION III Tell us about your active duty

1. Enter complete information for all periods of service. If more space is needed use Item 29 "Remarks."
2. Attach your original DD214 or a certified copy to this form. (We will return original documents to you.)

The VA has a registry of veterans who served in the Gulf War. This area has also been called the "Persian Gulf." If you served there, we will include your name in the registry. If you want your medical information included, you must check "Yes" in Item 16b. For more information about the registry, see page 4 of the General Instructions for VA Form 21-526.

|   |  |                               |   |   |  |
|---|--|-------------------------------|---|---|--|
| 14a. I entered active service the first time. . .<br>09/11/1969<br>mo day yr  |  | 14b. Place:<br>SACRAMENTO, CA |   | 14c. My service number was . . .<br>000 00 0002 |  |
| 14d. I left this active service. . .<br>09/12/1974<br>mo day yr   |  | 14e. Place:<br>CAM PEN, CA    |   | 14f. Branch of Service<br>USMC                  |  |
| 14h. I entered my second period of active service. . .<br>N/A<br>mo day yr  |  | 14i. Place:                   |   | 14j. My service number was . . .                |  |
| 14k. I left this active service. . .<br>N/A<br>mo day yr  |  | 14l. Place:                   |   | 14m. Branch of Service                          |  |
|   |  |                               |   | 14n. Grade, rank, or rating                     |  |
| 15a. Did you serve in Vietnam?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>(If "Yes," answer Item 15b also)   |  |                               | 15b. When were you in Vietnam?<br>from 01/14/1972 to 12/21/1973<br>mo day yr mo day yr  |   |  |
| 16a. Were you stationed in the Gulf after August 1, 1990?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(If "Yes," answer Item 16b also)                            |  |                               | 16b. Do you want to have medical and other information about you included in the "Gulf War Veterans' Health Registry?"<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |   |  |
| 17a. Have you ever been a prisoner of war?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(If "Yes," answer Items 17b, 17c, and 17d also)                            |  |                               | 17b. What country or government imprisoned you?   |   |  |
| 17c. When were you confined?<br>from to<br>mo day yr mo day yr  |  |                               | 17d. What was the name of the camp or sector and what are the names of the city and country near its location?  |   |  |
| 18a. Are you currently assigned to an active reserve unit?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(If "Yes," answer Item 18b also)                           |  |                               | 18b. What is the name, mailing address, and telephone number of your current unit?  |   |  |
| 18c. Were you previously assigned to an active reserve unit within the last 2 years?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>(If "Yes," answer Item 18d also) |  |                               | 18d. What is the name, mailing address, and telephone number of that unit?  |   |  |

### SECTION IV Tell us about your reserve duty

## TRAINING MODULE 4

### Study Plan


|   |  |  |
|---|--|--|
| <b>SECTION IV</b><br><b>Tell us about your reserve duty</b>   | <b>18e.</b> Do you have an inactive reserve obligation? (You perform no active duty, but you could be activated if there was a national emergency)<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know<br><i>(If "Yes," answer Item 18f also)</i>         | <b>18f.</b> What is your reserve obligation termination date?<br><div style="border-bottom: 1px solid black; width: 100%; text-align: center;">mo   day   yr</div> |
| <b>Instructions 18g-18k</b><br><i>If you are currently or have ever been a full time reservist for operational or support duty.</i><br>1. Complete 18g-18k for that service only.<br>2. Attach proof of reserve service.  | <b>18g.</b> I entered reserve service. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>     | <b>18h.</b> My service number was ...  |
|   | <b>18i.</b> I left reserve service. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>        | <b>18j.</b> Branch of service<br><b>18k.</b> Grade, rank, or rating  |
| <b>Instructions 18l-18p</b><br><i>If your disability occurred or was aggravated during any period of reserve duty.</i><br>1. Complete 18l-18p for the period when your disability occurred.<br>2. Attach proof that your disability occurred during reserve service.      | <b>18l.</b> I entered reserve service. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>     | <b>18m.</b> My service number was ...  |
|   | <b>18n.</b> I left reserve service. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>        | <b>18o.</b> Branch of service<br><b>18p.</b> Grade, rank, or rating  |
| <b>SECTION V</b><br><b>Tell us about your National Guard duty</b>   | <b>19a.</b> Are you currently a member of the National Guard?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Assigned<br><i>(If "Yes," answer Item 19b also)</i>  | <b>19b.</b> What is the name, mailing address, and telephone number of your current unit?  |
|   | <b>19c.</b> Were you previously assigned to a guard unit within the last 2 years?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><i>(If "Yes," answer Item 19d also)</i>  | <b>19d.</b> What is the name, mailing address, and telephone number of that unit?  |
| <b>Instructions 19e-19i</b><br><i>If you were activated to Federal Active Duty under the Authority of Title 10, United States Code.</i><br>1. Complete 19e-19i for that service only.<br>2. Attach proof of this Federal Active Duty.                                     | <b>19e.</b> I entered Federal Active Duty. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div> | <b>19f.</b> My service number was ...  |
|   | <b>19g.</b> I left Federal Active Duty. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>    | <b>19h.</b> Branch of service<br><b>19i.</b> Grade, rank, or rating  |
| <b>Instructions 19j-19n</b><br><i>If your disability occurred or was aggravated during any period of guard duty.</i><br>1. Complete 19j-19n for the period when your disability occurred.<br>2. Attach proof that your disability occurred during National Guard Service. | <b>19j.</b> I entered National Guard. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>      | <b>19k.</b> My service number was ...  |
|   | <b>19l.</b> I left National Guard. ...<br><div style="display: flex; justify-content: space-between;"> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">mo   day   yr</div> <div style="width: 40%; border-bottom: 1px solid black; text-align: center;">Place:</div> </div>         | <b>19m.</b> Branch of service<br><b>19n.</b> Grade, rank, or rating  |

# TRAINING MODULE 4

## Study Plan

| <b>SECTION VI</b><br><b>Tell us about your travel status</b>   | <b>20a.</b> Were you injured while traveling to or from your military assignment?<br><i>(If "Yes," answer items 20b thru 20e and Section I of Part B: Compensation.)</i><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   | <b>20b.</b> When did your injury happen?<br><br>mo    day    yr                        | <b>20c.</b> Where did your injury happen?<br><i>(City, State, Country)</i> | <b>20d.</b> Where were you treated? <i>(Provide name and address of doctor's office, hospital, etc.)</i> | <b>20e.</b> What agency did you file an accident report with? |          |   |          |   |          |   |          |   |          |
|--|---|--|--|--|---|----------|---|----------|---|----------|---|----------|---|----------|
| <b>SECTION VII</b><br><b>Tell us about your military benefits</b><br><br><i>When you file this application, you are telling us that you want to get VA compensation instead of military retired pay. If you currently receive military retired pay, you should be aware that we will reduce your retired pay by the amount of any compensation that you are awarded. VA will notify the Military Retired Pay Center of all benefit changes.</i><br><br><i>You must sign 21e if you want to keep getting military retired pay instead of VA compensation.</i><br><br><i>Please see page 4 of the General Instructions for VA Form 21-526.</i><br><br><i>If you have gotten both military retired pay and VA compensation, some of the amount you get may be recouped by VA, or in the case of VSI, by the Department of Defense.</i>  | <b>21a.</b> Are you receiving or will you receive retired or retainer pay that is based on your military service?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><i>(If "Yes," answer items 21b thru 21f. If "No," skip to item 22.)</i>   | <b>21b.</b> What branch of service is paying or will pay your retired or retainer pay? | <b>21c.</b> What is the monthly amount?<br>\$ _____                        |  |   |          |   |          |   |          |   |          |   |          |
| <b>21d.</b> What is your retirement based on?<br><input type="checkbox"/> Length of service <input type="checkbox"/> Disability <input type="checkbox"/> TDRL (Temporary Disability Retired List)<br><br><b>21e.</b> Sign here if you want to receive military retired pay <i>instead of</i> VA compensation<br>_____  |   |  |  |  |   |          |   |          |   |          |   |          |   |          |
| <b>21f.</b> Have you received or will you receive any of the following military benefits? <i>(Please check the appropriate boxes and tell us the amount)</i><br><table border="1"> <thead> <tr> <th>Benefit</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>(1) <input type="checkbox"/> Lump Sum Readjustment Pay</td> <td>\$ _____</td> </tr> <tr> <td>(2) <input type="checkbox"/> Separation pay under 10 USC 1174</td> <td>\$ _____</td> </tr> <tr> <td>(3) <input type="checkbox"/> Special Separation Benefit (SSB)</td> <td>\$ _____</td> </tr> <tr> <td>(4) <input type="checkbox"/> Voluntary Separation Incentive (VSI)</td> <td>\$ _____</td> </tr> <tr> <td>(5) <input type="checkbox"/> Disability Severance Pay <i>(name of disability)</i> _____</td> <td>\$ _____</td> </tr> <tr> <td>(6) <input type="checkbox"/> Other <i>(tell us the type of benefit)</i> _____</td> <td>\$ _____</td> </tr> </tbody> </table> | Benefit   | Amount   | (1) <input type="checkbox"/> Lump Sum Readjustment Pay                     | \$ _____   | (2) <input type="checkbox"/> Separation pay under 10 USC 1174 | \$ _____ | (3) <input type="checkbox"/> Special Separation Benefit (SSB) | \$ _____ | (4) <input type="checkbox"/> Voluntary Separation Incentive (VSI) | \$ _____ | (5) <input type="checkbox"/> Disability Severance Pay <i>(name of disability)</i> _____ | \$ _____ | (6) <input type="checkbox"/> Other <i>(tell us the type of benefit)</i> _____ | \$ _____ |
| Benefit  | Amount  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (1) <input type="checkbox"/> Lump Sum Readjustment Pay   | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (2) <input type="checkbox"/> Separation pay under 10 USC 1174  | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (3) <input type="checkbox"/> Special Separation Benefit (SSB)  | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (4) <input type="checkbox"/> Voluntary Separation Incentive (VSI)  | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (5) <input type="checkbox"/> Disability Severance Pay <i>(name of disability)</i> _____  | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| (6) <input type="checkbox"/> Other <i>(tell us the type of benefit)</i> _____  | \$ _____  |  |  |  |   |          |   |          |   |          |   |          |   |          |
| <b>SECTION VIII</b><br><b>Give us direct deposit information</b><br><br><b>If benefits are awarded</b> we will need more information in order to process any payments to you. Please read the paragraph starting with, "All federal payments..." and then either:<br><br>1. Attach a voided check, or<br><br>2. Answer questions 22-24 to the right.   | <p>All federal payments beginning January 2, 1999, must be made by electronic funds transfer (EFT) also called Direct Deposit. Please attach a voided personal check or deposit slip or provide the information requested below in Items 22, 23 and 24 to enroll in Direct Deposit. If you do not have a bank account we will give you a waiver from Direct Deposit, just check the box below in Item 22. The Treasury Department is working on making bank accounts available to you. Once these accounts are available, you will be able to decide whether you wish to sign-up for one of the accounts or continue to receive a paper check. You can also request a waiver if you have other circumstances that you feel would cause you a hardship to be enrolled in Direct Deposit. You can write to: Department of Veterans Affairs, 125 S. Main Street Suite B, Muskogee OK 74401-7004, and give us a brief description of why you do not wish to participate in Direct Deposit.</p> <p><b>22.</b> Account number <i>(Please check the appropriate box and provide that account number, if applicable)</i></p> <p><input checked="" type="checkbox"/> Checking                      <input type="checkbox"/> I certify that I <b>do not</b> have an account with a financial institution or certified payment agent</p> <p><input type="checkbox"/> Savings</p> <p>Account number 100000000001</p> <p><b>23.</b> Name of financial institution<br/>MY BANK USA</p> <p><b>24.</b> Routing or transit number<br/>222222222222</p> |  |  |  |   |          |   |          |   |          |   |          |   |          |

## Study Plan

|  |  |  |
|--|--|--|
| <b>SECTION IX</b><br><b>Give us your signature</b>   | I certify and authorize the release of information:<br>I certify that the statements in this document are true and complete to the best of my knowledge. I authorize any person or entity, including but not limited to any organization, service provider, employer, or government agency, to give the Department of Veterans Affairs any information about me except protected health information, and I waive any privilege which makes the information confidential. |  |
| 1. Read the box that starts, "I certify and authorize the release of information:"   | 25. Your signature<br>  |  |
| 2. Sign the box that says, "Your signature."   | 26. Today's date<br>2-20-08  |  |
| 3. If you sign with an "X", then you must have 2 people you know witness you as you sign. They must then sign the form and print their names and addresses also.   | 27a. Signature of witness (If claimant signed above using an "X")  | 27b. Printed name and address of witness |
|  | 28a. Signature of witness (If claimant signed above using an "X")  | 28b. Printed name and address of witness |
| <b>SECTION X</b><br><br><b>Remarks - Use this space for any additional statements that you would like to make concerning your application for Compensation and/or Pension</b><br><br><b>IMPORTANT</b><br><i>Penalty: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false, or for the fraudulent acceptance of any payment which you are not entitled to.</i> | 29. Remarks (If you need more space to answer a question or have a comment about a specific item number on this form please identify your answer or statement by the part and item number). (See page 5 "Tips For Filling Out Your VA Form 21-526.")   |  |

# TRAINING MODULE 4

## Study Plan



Department of  
Veterans Affairs

### VA Form 21-526, Part B: Compensation

Use this form to apply for compensation. Remember that you must also fill out a VA Form 21-526, Part A: General Information, for your application to be processed. Be sure to write your name and Social Security number in the space provided on page 2.

| SECTION I Tell us about your disability |                                    | In the table below, tell us more about your disability or disabilities. Be sure to:   |                 |  |   |
|---|------------------------------------|---|-----------------|--|---|
|   |                                    | <ul style="list-style-type: none"> <li>List all disabilities you believe are related to military service.</li> <li>List all the treatments you received for your disabilities, including                             <ul style="list-style-type: none"> <li>treatments you received in a military facility before and after discharge.</li> <li>treatments you received from civilian and VA sources before, during, and after your service.</li> </ul> </li> </ul> |                 |  |   |
| 1. What disability are you claiming?    | 2. When did your disability begin? | 3. When were you treated?   |                 | 4a. What medical facility or doctor treated you? | 4b. What is the address of that medical facility or doctor? |
|   | mo day yr                          | from<br>mo day yr   | to<br>mo day yr |  |   |
| PTSD                                    | 01/01/1974                         | 01/01/1974  | CURRENT         | VAMC- PALO ALTO, CA                              | 3801 Miranda Ave<br>Palo Alto, CA                           |
| DIABETES                                | 08/25/2006                         | 08/25/2006  | CURRENT         | VAMC-PALO ALTO                                   | 3801 Miranda Ave.<br>Palo Alto, CA                          |
|   |                                    |   |                 |  |   |
| HEART CONDITION                         | 08/25/2006                         | 08/25/2006  | CURRENT         | VAMC-PALO ALTO                                   | 3801 Miranda Ave.<br>Palo Alto, CA                          |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |
|   |                                    |   |                 |  |   |

## Study Plan

21-526, Part B page 2

# TRAINING MODULE 4

## Study Plan



Department of  
Veterans Affairs

### VA Form 21-526, Part C: Dependency

Use this form to tell us more about your dependents. Remember that you must also fill out a VA Form 21-526, Part A: General Information, Part B and/or Part D, for your application to be processed. Be sure to write your name and Social Security number in the space provided on page 3.

#### SECTION I Tell us about your marriage

NOTE: You should provide a copy of your marriage certificate

1. What is your marital status?

☒ Married ☐ Surviving Spouse ☐ Divorced ☐ Never Married

(If your spouse died, you are "divorced," or "never married" skip to Section III beginning on page 2)

2. When were you married?

03/26/1965  
month day year

3. Where did you get married?

(city/state or country)

MYTOWN, CA

4. What is your spouse's name?

CARL E. DOE

First

Middle

Last

5. What is your spouse's birthday?

08/02/1945  
month day year

6. What is your spouse's Social Security number?

000-00-0004

7a. Is your spouse also a veteran?

☐ Yes ☒ No

(If "Yes" answer item 7b also)

7b. What is your spouse's VA file number (if any)?

8. Do you live with your spouse?

☒ Yes (If "Yes," go to item 12)

☐ No (If "No," go to item 9)

9. What is your spouse's address?

1 Marine Way

Street address, Rural Route, or P.O. Box

Apt. number

MYTOWN, CA

CA

95370

USA

City

State

Zip code

Country

10. Tell us why you are not living with your spouse

N/A

11. How much do you contribute monthly to your spouse's support?

\$

12. How were you married?

a. ☒ Ceremony by a clergyman or other authorized public official

c. ☐ Tribal

d. ☐ Proxy

b. ☐ Common-law

e. ☐ Other (please describe in the space below)

## TRAINING MODULE 4

### Study Plan

|  |  |
|--|--|
| <b>SECTION II</b><br><b>Tell us about any previous marriages</b><br><br><i>NOTE: You should provide copies of divorce decrees or death certificates.</i> | In the table below, tell us about:<br><ul style="list-style-type: none"> <li>● Your previous marriages, and</li> <li>● Your spouse's previous marriages</li> </ul> |
|--|--|

#### Your previous marriages

13a. How many times have you been married before? ONCE

| 13b. When were you married?            | 13c. Where were you married?<br><i>(city/state or country)</i> | 13d. Who were you married to?<br><i>(first, middle initial, last)</i> | 13e. When did your marriage end?       | 13f. Why did your marriage end?<br><i>(death, divorce)</i> | 13g. Where did your marriage end?<br><i>(city/state or country)</i> |
|--|--|---|--|--|---|
| 03/13/1960<br><small>mo day yr</small> | MYTOWN, CA   | SAMUAL E. BUCK  | 03/15/1962<br><small>mo day yr</small> | DEATH  | MYTOWN, CA  |
| <br><small>mo day yr</small>           |  |   | <br><small>mo day yr</small>           |  |   |

#### Your spouse's previous marriages

14a. How many times has your current spouse been married before? NONE

| 14b. When was your spouse married? | 14c. Where was your spouse married?<br><i>(city/state or country)</i> | 14d. Who was your spouse married to?<br><i>(first, middle initial, last)</i> | 14e. When did your spouse's marriage end? | 14f. Why did your spouse's marriage end?<br><i>(death, divorce)</i> | 14g. Where did your spouse's marriage end?<br><i>(city/state or country)</i> |
|------------------------------------|---|--|---|---|--|
| <br><small>mo day yr</small>       |   |  | <br><small>mo day yr</small>              |   |  |
| <br><small>mo day yr</small>       |   |  | <br><small>mo day yr</small>              |   |  |

|   |   |   |
|---|---|---|
| <b>SECTION III</b><br><b>Tell us about your other dependents</b>  | In this section we want to know whether your parents are financially dependent on you (Question 15) and more about your <b>dependent children</b> . VA may recognize a veteran's biological children, adopted children, and stepchildren as dependent. These children must be unmarried and:<br><ul style="list-style-type: none"> <li>● be under the age of 18, or</li> <li>● be at least 18 but under 23 and pursuing an approved course of education, or</li> <li>● have become permanently unable to support themselves before reaching the age of 18.</li> </ul> |   |
| You should provide: a copy of the public record of birth for each child or a copy of the court record of adoption for each adopted child. | 15. Are your parents financially dependent on you?<br><br><div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Yes</span> <span><input checked="" type="checkbox"/> No <i>(If "Yes," we will request additional information from you later)</i></span> </div>  |   |
|   | 16. Do you have dependent children?<br><br><div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Yes</span> <span><i>(If "No," Skip Items 17-21f). Go to the bottom of page 3 and write your name and Social Security number)</i></span> </div> <div style="display: flex; justify-content: space-between;"> <span><input checked="" type="checkbox"/> No</span> </div>   | 17. How many dependent children do you have?<br><br><div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;"></div> |
|   | <i>Give us more information about these children in the tables on the next page (Items 18 through 21f)</i>  |   |



## TRAINING MODULE 4

### Study Plan

#### SECTION III Tell us about your dependents (continued)

| 18a. What is the name of your unmarried child(ren)?<br><i>(first, middle initial, last)</i> | 18b. Date and place of birth<br><i>(city/state or country)</i> | 18c. Social Security Number | 19a. Biological          | 19b. Adopted             | 19c. Stepchild           | 20a. 18-23 yrs. old and in school | 20b. Seriously disabled before age 18 | 20c. Child previously married |
|---|--|-----------------------------|--------------------------|--------------------------|--------------------------|-----------------------------------|---------------------------------------|-------------------------------|
| N/A   | _____<br><i>mo day yr</i><br>Place:                            |                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/>              | <input type="checkbox"/>      |
|   | _____<br><i>mo day yr</i><br>Place:                            |                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/>              | <input type="checkbox"/>      |
|   | _____<br><i>mo day yr</i><br>Place:                            |                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/>              | <input type="checkbox"/>      |
|   | _____<br><i>mo day yr</i><br>Place:                            |                             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/>              | <input type="checkbox"/>      |

**Tell us about your dependents listed above who don't live with you**

21a. Do all the children listed above live with you?

☐ Yes *(If "Yes," skip items 21b thru 21f and write your name and Social Security number below)*

☐ No *(If "No," complete item 21b and the table below (items 21c-21f) and write your name and Social Security number below)*

21b. How many of the children do not live with you?

\_\_\_\_\_


| 21c. What is the name of your child?<br><i>(first, middle initial, last)</i> | 21d. What is your child's complete address? | 21e. What is the name of the person your child lives with (if applicable)?<br><i>(first, middle initial, last)</i> | 21f. How much do you contribute each month to the support of your child? |
|--|---|--|--|
| N/A  |   |  | \$   |
|  |   |  | \$   |
|  |   |  | \$   |
|  |   |  | \$   |

|                                   |   |
|-----------------------------------|---|
| <b>Your name</b><br>JUDY LINN DOE | <b>Your Social Security Number</b><br>000-00-0002 |
|-----------------------------------|---|

# TRAINING MODULE 4

## Study Plan

OMB Approved No. 2900-0404  
Respondent Burden: 45 minutes

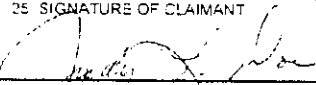
|  <b>Department of Veterans Affairs</b>  |  | <b>VETERAN'S APPLICATION FOR INCREASED<br/>COMPENSATION BASED ON UNEMPLOYABILITY</b>  |  |  |                                     |
|--|--|---|--|--|-------------------------------------|
| NOTE: This is a claim for compensation benefits based on unemployability. When you complete this form you are claiming total disability because of a service-connected disability(ies) which has/have prevented you from securing or following any substantially gainful occupation. Answer all questions fully and accurately.  |  |   |  |  |                                     |
| Social Security Benefits: Individuals who have a disability and meet medical criteria may qualify for Social Security or Supplemental Security Income disability benefits. If you would like more information about Social Security benefits, contact your nearest Social Security Administration (SSA) office. You can locate the address of the nearest SSA office in your telephone book blue pages under "United States Government, Social Security Administration" or call 1-800-772-1213 (Hearing Impaired TDD line 1-800-325-0778). You may also contact SSA by Internet at <a href="http://www.ssa.gov/">http://www.ssa.gov/</a> . |  |   |  |  |                                     |
| 1. VA FILE NUMBER<br>000-00-0002-00  | 2. VETERAN'S SOCIAL SECURITY NUMBER<br>000-00-0002   | 3. DATE OF BIRTH<br>09/11/1945  |  |  |                                     |
| 4. NAME OF VETERAN (First, Middle, Last) (Type or Print)<br>JUDY LINN DOE  |  | 5. ADDRESS OF CLAIMANT (No. and street or rural route, city or P.O., State and ZIP Code)<br>1 Marine Way<br>Mytown, CA 95000                |  |  |                                     |
| <b>SECTION I - DISABILITY AND MEDICAL TREATMENT</b>  |  |   |  |  |                                     |
| 6. WHAT SERVICE-CONNECTED DISABILITY PREVENTS YOU FROM SECURING OR FOLLOWING ANY SUBSTANTIALLY GAINFUL OCCUPATION?<br><br>PTSD   | 7. HAVE YOU BEEN UNDER A DOCTOR'S CARE AND/OR HOSPITALIZED WITHIN THE PAST 12 MONTHS?<br><br>YES | 8. DATE(S) OF TREATMENT BY DOCTOR(S)<br><br>VAMC-PALO ALTO, CA  |  |  |                                     |
| 9. NAME AND ADDRESS OF DOCTOR(S)<br><br>Lynn Anderson M.D.<br>County General Hospital  | 10. NAME AND ADDRESS OF HOSPITAL<br><br>COUNTY GENERAL HOSPITAL<br>MYTOWN, CA 95000              | 11. DATE(S) OF HOSPITALIZATION<br><br>01/04/2008 TO 02/19/2008  |  |  |                                     |
| <b>SECTION II - EMPLOYMENT STATEMENT</b>   |  |   |  |  |                                     |
| 12. DATE YOUR DISABILITY AFFECTED FULL-TIME EMPLOYMENT<br>01/01/2000   | 13. DATE YOU LAST WORKED FULL-TIME<br>05/1999  | 14. DATE YOU BECAME TOO DISABLED TO WORK<br>01/01/2000  |  |  |                                     |
| 15A. WHAT IS THE MOST YOU EVER EARNED IN ONE YEAR?<br>\$ 48,950.21   | 15B. WHAT YEAR?<br>1998  | 15C. OCCUPATION DURING THAT YEAR<br>Executive Secretary   |  |  |                                     |
| <b>16. LIST ALL YOUR EMPLOYMENT INCLUDING SELF-EMPLOYMENT FOR THE LAST FIVE YEARS YOU WORKED</b>   |  |   |  |  |                                     |
| A. NAME AND ADDRESS OF EMPLOYER  | B. TYPE OF WORK  | C. HOURS PER WEEK   | D. DATES OF EMPLOYMENT<br>FROM TO  | E. TIME LOST FROM ILLNESS  | F. HIGHEST GROSS EARNINGS PER MONTH |
| County General Hospital<br>101 Hospital Rd.<br><br>MYTOWN, CA 95000  | Exec.<br>Secretary   | 40  | 05/05/1990 05/1999   | UNK  | \$4,079.16                          |
|  |  |   |  |  |                                     |
|  |  |   |  |  |                                     |
|  |  |   |  |  |                                     |
| G. INDICATE YOUR TOTAL EARNED INCOME FOR THE PAST 12 MONTHS<br>\$ 0.00   |  |   | H. IF PRESENTLY EMPLOYED, INDICATE YOUR CURRENT MONTHLY EARNED INCOME<br>\$ 0.00 |  |                                     |
| 17. DID YOU LEAVE YOUR LAST JOB/SELF-EMPLOYMENT BECAUSE OF YOUR DISABILITY?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If "Yes," give the facts in Item 24)   |  | 18. DO YOU RECEIVE/EXPECT TO RECEIVE DISABILITY RETIREMENT BENEFITS?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |  | 19. DO YOU RECEIVE/EXPECT TO RECEIVE WORKERS COMPENSATION BENEFITS?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |                                     |
| 20. HAVE YOU TRIED TO OBTAIN EMPLOYMENT SINCE YOU BECAME TOO DISABLED TO WORK?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," complete Items A, B, and C)   |  |   |  |  |                                     |
| A. NAME AND ADDRESS OF EMPLOYER  |  | B. TYPE OF WORK   |  | C. DATE APPLIED  |                                     |
| N/A  |  |   |  |  |                                     |
|  |  |   |  |  |                                     |
|  |  |   |  |  |                                     |

VA FORM 21-8940  
OCT 2004

SUPERSEDES VA FORM 21-8940, MAR 2000,  
WHICH WILL NOT BE USED

4-30 Revision 1, January 2008

# TRAINING MODULE 4 Study Plan

| SECTION III - SCHOOLING AND OTHER TRAINING  |                         |   |                                |
|---|-------------------------|---|--------------------------------|
| 21. EDUCATION (Check highest year completed)  |                         |   |                                |
| GRADE SCHOOL <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 HIGH SCHOOL <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 COLLEGE <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4   |                         |   |                                |
| 22A. DID YOU HAVE ANY OTHER EDUCATION AND TRAINING BEFORE YOU WERE TOO DISABLED TO WORK?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," complete items 22B and 22C)  |                         |   |                                |
| 22B. TYPE OF EDUCATION OR TRAINING  |                         | 22C. DATES OF TRAINING                      |                                |
|   |                         | BEGINNING                                   | COMPLETION                     |
|   |                         |   |                                |
| 23A. HAVE YOU HAD ANY OTHER EDUCATION AND TRAINING SINCE YOU BECAME TOO DISABLED TO WORK?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," complete items 23B and 23C)   |                         |   |                                |
| 23B. TYPE OF EDUCATION OR TRAINING  |                         | 23C. DATES OF TRAINING                      |                                |
|   |                         | BEGINNING                                   | COMPLETION                     |
|   |                         |   |                                |
| 24. REMARKS   |                         |   |                                |
|   |                         |   |                                |
| SECTION IV - AUTHORIZATION, CERTIFICATION, AND SIGNATURE  |                         |   |                                |
| AUTHORIZATION FOR RELEASE OF INFORMATION: I authorize the person or entity, including but not limited to any organization, service provider, employer, or Government agency, to give the Department of Veterans Affairs any information about me except protected health information, and I waive any privilege which makes the information confidential.   |                         |   |                                |
| CERTIFICATION OF STATEMENTS: I CERTIFY THAT as a result of my service-connected disabilities, I am unable to secure or follow any substantially gainful occupation and that the statements in this application are true and complete to the best of my knowledge and belief. I understand that these statements will be considered in determining my eligibility for VA benefits based on unemployability because of service-connected disability.  |                         |   |                                |
| I UNDERSTAND THAT IF I AM GRANTED SERVICE-CONNECTED TOTAL DISABILITY BENEFITS BASED ON MY UNEMPLOYABILITY, I MUST IMMEDIATELY INFORM VA IF I RETURN TO WORK. I ALSO UNDERSTAND THAT TOTAL DISABILITY BENEFITS PAID TO ME AFTER I BEGIN WORK MAY BE CONSIDERED AN OVERPAYMENT REQUIRING REPAYMENT TO VA.   |                         |   |                                |
| 25. SIGNATURE OF CLAIMANT   | 26. DATE SIGNED         | 27. TELEPHONE NUMBER(S) (Include Area Code) |                                |
|    | 2-20-08                 | A. DAYTIME<br>(209) 555-1212                | E. NIGHTTIME<br>(209) 555-1212 |
| WITNESSES TO SIGNATURE OF CLAIMANT IF MADE BY "X" MARK. NOTE: Signature made by mail must be witnessed by two persons to whom the person making the statement is personally known and the signature and address of such witnesses must be shown below.  |                         |   |                                |
| 28A. SIGNATURE OF WITNESS   | 28B. ADDRESS OF WITNESS |   |                                |
|   |                         |   |                                |
| 29A. SIGNATURE OF WITNESS   | 29B. ADDRESS OF WITNESS |   |                                |
|   |                         |   |                                |
| PENALTY: The law provides severe penalties which include fine or imprisonment or both for the willful submission of any statement or evidence of a material fact, knowing it to be false or for the fraudulent acceptance of any payment to which you are not entitled.   |                         |   |                                |
| PRIVACY ACT NOTICE: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22. Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. Giving us your SSN account information is mandatory. Applicants are required to provide their SSN under Title 38, U.S.C. 5101(c)(1). VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by a Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine maximum benefits provided under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies. |                         |   |                                |
| RESPONDENT BURDEN: We need this information to determine eligibility for individual unemployment (38 U.S.C. 1163). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 45 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <a href="http://www.whitehouse.gov/omb/library/OMBINV.html#VA">www.whitehouse.gov/omb/library/OMBINV.html#VA</a> . If desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.   |                         |   |                                |

## Study Plan

OMB Approved No. 2900-0075

Respondent Burden: 15 minutes



## STATEMENT IN SUPPORT OF CLAIM

**PRIVACY ACT INFORMATION:** The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA Programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records, 58VA21/22. Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. VA uses your SSN to identify your claim file. Providing your SSN will help ensure that your records are properly associated with your claim file. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. The VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.

**RESPONDENT BURDEN:** We need this information to obtain evidence in support of your claim for benefits (38 U.S.C. 501(a) and (b)), Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at [www.whitehouse.gov/omb/library/OMBINV.html](http://www.whitehouse.gov/omb/library/OMBINV.html). If desired, you can call 1-800-827-1060 to get information on where to send comments or suggestions about this form.

FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)

SOCIAL SECURITY NO.

|             |
|-------------|
| VA FILE NO. |
|-------------|

VERY M. DISABLED

000-00-0005

C/CSS - (000-00-0005

The following statement is made in connection with a claim for benefits in the case of the above-named veteran:

PLEASE BE ADVISED THAT I AM REQUESTING TO APPLY FOR AN INCREASE

IN MY SERVICE CONNECTED DISABILITY OF LEFT KNEE CONDITION.

I AM CURRENTLY UNDER THE CARE OF THE DOCTOR'S AT THE VAMC-PALO ALTO, CA

MY CURRENT RATE OF 30% IS NO LONGER ADEQUATE FOR MY CONDITION

I BELIEVE THAT MY CONDITION SHOULD BE 60% OR HIGHER. I KNOW LONG CAN SUPPORT MY KNEE WITHOUT CRUTCHES.

(CONTINUE ON REVERSE)

I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.

SIGNATURE

DATE SIGNED \_\_\_\_\_

ADDRESS

TELEPHONE NUMBERS (Include Area Code)

126 Able Ln.  
Nowhere, CA 95000

DAYTIME

|  |         |
|--|---------|
|  | EVENING |
|--|---------|

(209) 555-0001

(209) 555-0001

PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.


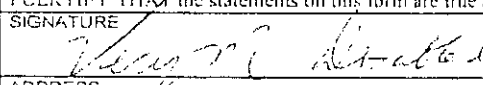
VA FORM 21-4138  
AUG 2004

EXISTING STOCKS OF VA FORM 21-4138,  
JUN 1994, WILL BE USED

4-32 Revision 1, January 2008

# TRAINING MODULE 4 Study Plan

OMB Approved No. 2900-0075  
Respondent Burden: 15 minutes

|  |  |                                       |                           |
|--|--|---------------------------------------|---------------------------|
|  <b>Department of Veterans Affairs</b>  |  | <b>STATEMENT IN SUPPORT OF CLAIM</b>  |                           |
| <p><b>PRIVACY ACT INFORMATION:</b> The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA Programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records. 58VA21/22, Compensation, Pension, Education and Rehabilitation Records - VA, published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. VA uses your SSN to identify your claim file. Providing your SSN will help ensure that your records are properly associated with your claim file. Giving us your SSN account information is voluntary. Refusal to provide your SSN by itself will not result in the denial of benefits. The VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and still in effect. The requested information is considered relevant and necessary to determine maximum benefits under the law. The responses you submit are considered confidential (38 U.S.C. 5701). Information submitted is subject to verification through computer matching programs with other agencies.</p> <p><b>RESPONDENT BURDEN:</b> We need this information to obtain evidence in support of your claim for benefits (38 U.S.C. 501(a) and (b)). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information, and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at <a href="http://www.whitehouse.gov/omb/library/OMBINX.html">www.whitehouse.gov/omb/library/OMBINX.html</a>. If desired you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.</p> |  |                                       |                           |
| FIRST NAME - MIDDLE NAME - LAST NAME OF VETERAN (Type or print)  |  | SOCIAL SECURITY NO.                   | VA FILE NO                |
| VERY M. DISABLED   |  | 000-00-0005                           | C/CSS -000-00-0005        |
| The following statement is made in connection with a claim for benefits in the case of the above-named veteran:  |  |                                       |                           |
| I WISH TO REOPEN MY PREVIOUSLY DENIED CLAIM FOR SERVICE CONNECTION FOR RIGHT   |  |                                       |                           |
| KNEE CONDITION. ATTACHED IS A HOSPITAL SUMMARY DATED 01/01/1969  |  |                                       |                           |
| FROM WAKE ISLAND SHOWING TREATMENT WHILE ON ACTIVE DUTY.   |  |                                       |                           |
| ALSO ATTACHED IS A MEDICAL OPINION FROM DR. KNOWITALL TO SUPPORT MY CLAIM.   |  |                                       |                           |
| THIS IS NEW AND MATERIAL EVIDENCE, NOT PREVIOUSLY CONSIDERED BY THE VA.  |  |                                       |                           |
| (CONTINUE ON REVERSE)  |  |                                       |                           |
| I CERTIFY THAT the statements on this form are true and correct to the best of my knowledge and belief.  |  |                                       |                           |
| SIGNATURE<br>   |  | DATE SIGNED<br>2-20-08                |                           |
| ADDRESS<br>123 WAY OUT WEST<br>SOMEWHERE, CA 95000   |  | TELEPHONE NUMBERS (Include Area Code) |                           |
|  |  | DAYTIME<br>(209) 555-0002             | EVENING<br>(209) 555-0002 |
| PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false.  |  |                                       |                           |

VA FORM  
AUG 2004 **21-4138**

EXISTING STOCKS OF VA FORM 21-4138,  
JUN 1994, WILL BE USED

4-33 Revision 1, January 2008

# TRAINING MODULE 4

## Study Plan

OMB Approved No. 2900-0043  
Respondent Burden: 15 minutes

| Department of Veterans Affairs   |  | DECLARATION OF STATUS OF DEPENDENTS          |  |
|--|--|--|--|
| <p><b>Privacy Act Information:</b> The VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses (i.e., civil or criminal law enforcement, congressional communications, epidemiological or research studies, the collection of money owed to the United States, litigation in which the United States is a party or has an interest, the administration of VA programs and delivery of VA benefits, verification of identity and status, and personnel administration) as identified in the VA system of records. 58 VA21/22 Compensation, Pension, Education, and Rehabilitation Records - VA, and published in the Federal Register. Your obligation to respond is required to obtain or retain benefits. Giving us your and your dependents' SSN account information is mandatory. Applicants are required to provide their SSN and the SSN of any dependents for whom benefits are claimed under Title 38 USC 5101 (c)(1). The VA will not deny an individual benefits for refusing to provide his or her SSN unless the disclosure of the SSN is required by Federal Statute of law in effect prior to January 1, 1975, and still in effect. Information that you furnish may be utilized in computer matching programs with other Federal or state agencies for the purpose of determining your eligibility to receive VA benefits, as well as to collect any amount owed to the United States by virtue of your participation in any benefit program administered by the Department of Veterans Affairs.</p> <p><b>RESPONDENT BURDEN:</b> We need this information to determine marital status and eligibility for an additional allowance for dependents under 38 U.S.C. 1115. Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 15 minutes to review the instructions, find the information and complete this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information unless a valid OMB number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at: <a href="http://www.whitehouse.gov/library/omb/OMBINFO.html#VA">www.whitehouse.gov/library/omb/OMBINFO.html#VA</a>. If desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.</p> <p><b>INSTRUCTIONS:</b> Print all answers clearly. Make sure you sign and date this form (Items 18 and 19). Note: Unless the claimant is the veteran's surviving spouse, the veteran must sign in Item 18. When you have completed this form, mail it or take it to a VA regional office.</p> |  |  |  |
| 1A. FIRST - MIDDLE - LAST NAME OF VETERAN  |  | 2A. NAME OF CLAIMANT (If other than veteran) |  |
| VERY M. DISABLED   |  | SELF   |  |
| 1B. VETERAN'S SOCIAL SECURITY NUMBER   |  | 2E. CLAIMANT'S SOCIAL SECURITY NUMBER        |  |
| 000-00-0006  |  | SAME   |  |
| 3. FILE NUMBER   |  |  |  |
| C- 000 00 0006-00  |  |  |  |
| 4. ADDRESS OF CLAIMANT (No. and street or rural route, city or P.O., State and ZIP Code)   |  |  |  |
| 100 My Street, Mytown, CA 95000  |  |  |  |
| 5A. MARITAL STATUS (Check one)   |  | 5B. IF MARRIED, SPOUSE'S DATE OF BIRTH       |  |
| <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> DIVORCED <input type="checkbox"/> NEVER MARRIED (If checked, do not complete)<br><input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED (Skip to Item 12)  |  | 10/02/1945                                   |  |
| month day year   |  |  |  |
| NOTE: You must furnish complete information about all your and your current spouse's previous marriages. If you or your spouse have been married more than three times, list additional marriages in Item 17, "Remarks," or attach a separate sheet.   |  |  |  |
| SECTION I - VETERAN'S MARRIAGES  |  |  |  |
| 6. HOW MANY TIMES HAVE YOU BEEN MARRIED?   |  |  |  |
| 7A. DATE AND PLACE OF MARRIAGE (City/State or Country)   | 7B. TO WHOM MARRIED (First, middle, last name) | 7C. SOCIAL SECURITY NUMBER                   | 7D. HOW MARRIAGE TERMINATED (Death, Divorce)           |
| 03/26/1964<br>month day year<br>Place: Mytown, CA  | Shannon Gilmore                                | 000-00-0007                                  |  |
| month day year<br>Place:   |  |  | month day year<br>Place:                               |
| month day year<br>Place:   |  |  | month day year<br>Place:                               |
| SECTION II - SPOUSE'S PREVIOUS MARRIAGES   |  |  |  |
| 8. HOW MANY TIMES HAS THE VETERAN'S CURRENT SPOUSE OR SURVIVING SPOUSE BEEN MARRIED?   |  |  |  |
| 9A. DATE AND PLACE OF MARRIAGE   | 9B. TO WHOM MARRIED (First, middle, last name) | 9C. HOW MARRIAGE TERMINATED (Death, Divorce) | 9D. DATE AND PLACE TERMINATED                          |
| 03/12/1961<br>month day year<br>Place: Angels Camp, CA   | Karl M. Lucky                                  | Divorce                                      | 03/26/1964<br>month day year<br>Place: Angels Camp, CA |
| month day year<br>Place:   |  |  | month day year<br>Place:                               |
| month day year<br>Place:   |  |  | month day year<br>Place:                               |

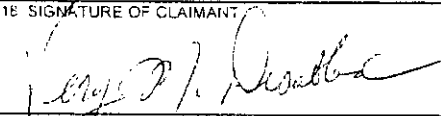
VA FORM  
NOV 2004

21-686c

EXISTING STOCKS OF VA FORM 21-686c, DEC 1999,  
WILL BE USED.

(Continued on Reverse)

# TRAINING MODULE 4 Study Plan

| 10A. IS YOUR SPOUSE ALSO A VETERAN?<br><br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," answer Item 10B also. If "No," skip to Item 11.)  |   | 10B. WHAT IS YOUR SPOUSE'S VA FILE NUMBER (If any)?<br><br>N/A |                          |  |  |                                      |                            |                                  |
|---|---|--|--------------------------|--|--|--------------------------------------|----------------------------|----------------------------------|
| 11. DO YOU LIVE WITH YOUR SPOUSE?<br><br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If "Yes," skip to Item 14A. If "No," answer Items 12 and 13 also.)  |   | 12. WHAT IS YOUR SPOUSE'S ADDRESS?<br><br>N/A                  |                          |  |  |                                      |                            |                                  |
| 13. HOW MUCH DO YOU CONTRIBUTE MONTHLY TO YOUR SPOUSE'S SUPPORT?<br><br>\$ 0.00   |   |  |                          |  |  |                                      |                            |                                  |
| <b>SECTION III - VETERAN'S UNMARRIED CHILDREN</b>   |   |  |                          |  |  |                                      |                            |                                  |
| NOTE: If any child is claimed as "seriously disabled" (Item 14I), it must be shown that the child became permanently unable to support themselves before reaching age 18. Furnish a statement from an attending physician or other medical evidence which shows the nature and extent of the physical or mental impairment. |   |  |                          |  |  |                                      |                            |                                  |
| Note: In Items 14A through 14I, check all boxes that apply.   |   |  |                          |  |  |                                      |                            |                                  |
| 14A.<br>NAME OF CHILD<br>(first, middle initial, last)  | 14B.<br>DATE AND PLACE OF BIRTH<br>(city, state or country) | 14C.<br>SOCIAL SECURITY NUMBER                                 | 14D.<br>BIO-LOGICAL      | 14E.<br>ADOPT-ED                             | 14F.<br>STEP-CHILD                                       | 14G.<br>18-23 YRS. OLD AND IN SCHOOL | 14H.<br>SERIOUSLY DISABLED | 14I.<br>CHILD PREVIOUSLY MARRIED |
| NONE  | _____<br>mo day yr<br>PLACE                                 |  | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>                                 | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>         |
|   | _____<br>mo day yr<br>PLACE                                 |  | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>                                 | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>         |
|   | _____<br>mo day yr<br>PLACE                                 |  | <input type="checkbox"/> | <input type="checkbox"/>                     | <input type="checkbox"/>                                 | <input type="checkbox"/>             | <input type="checkbox"/>   | <input type="checkbox"/>         |
| Note: If any of the children listed above don't live with you, complete Items 16A through 16C.  |   |  |                          |  |  |                                      |                            |                                  |
| 16A. NAME OF CHILD (first, middle initial, last)  |   | 16B. CHILD'S COMPLETE ADDRESS                                  |                          |  | 16C. NAME OF PERSON THE CHILD LIVES WITH (If applicable) |                                      |                            |                                  |
| N/A   |   |  |                          |  |  |                                      |                            |                                  |
|   |   |  |                          |  |  |                                      |                            |                                  |
|   |   |  |                          |  |  |                                      |                            |                                  |
| 17. REMARKS   |   |  |                          |  |  |                                      |                            |                                  |
|   |   |  |                          |  |  |                                      |                            |                                  |
| I HEREBY CERTIFY THAT the information I have given above is true and correct to the best of my knowledge and belief.  |   |  |                          |  |  |                                      |                            |                                  |
| 18. SIGNATURE OF CLAIMANT   |   | 19. DATE   |                          | 20. TELEPHONE NUMBER (S) (Include Area Code) |  |                                      |                            |                                  |
|    |   | 2-20-08  |                          | A. DAYTIME<br>(209) 555-1212                 |  | B. NIGHTTIME<br>(209) 555-1212       |                            |                                  |
| PENALTY: The law provides severe penalties which include fine or imprisonment, or both, for the willful submission of any statement or evidence of a material fact, knowing it to be false, or for the fraudulent acceptance of any payment to which you are not entitled.  |   |  |                          |  |  |                                      |                            |                                  |

REFERENCES FOR U.S.C. referred to on page 2 of testimony for HB1057

(Authority: 38 U.S.C. 501(a), 5902)

(b) Agents. (1) An individual desiring accreditation as an agent must establish that he or she is of good character and reputation and is qualified to render assistance to claimants in the presentation of their claim(s). An individual desiring accreditation as an agent must file a completed application with the Office of the General Counsel on VA Form 21a on which the applicant submits the following:

- (i) His or her full name and business address;
  - (ii) Information concerning the applicant's military and civilian employment history (including character of military discharge, if applicable);
  - (iii) Information concerning representation provided by the applicant before any department, agency, or bureau of the Federal government;
  - (iv) Information concerning any criminal background of the applicant;
  - (v) Information concerning whether the applicant has ever been determined mentally incompetent or hospitalized as a result of a mental disease or disability, or is currently under treatment for a mental disease or disability;
  - (vi) Information concerning whether the applicant was previously accredited as a representative of a veterans service organization and, if so, whether that accreditation was terminated or suspended by or at the request of that organization;
  - (vii) The names, addresses, and phone numbers of three character references; and
  - (viii) Information relevant to whether or not the applicant has any physical limitations which would interfere with the completion of a comprehensive written examination administered under the supervision of a VA Regional Counsel.
- (2) Applicants must achieve a score of 75 percent or more on a written examination administered by VA as a prerequisite to accreditation. No applicant shall be allowed to sit for the examination more than twice in any 6-month period.



Authorized officers of an organization may request recognition by letter to the Secretary of Veterans Affairs.

(a) National organization. An organization may be recognized as a national organization if:

(1) It was recognized by the Department of Veterans Affairs prior to October 10, 1978, and continues to satisfy the requirements of § 14.628(d) of this section, or

(2) It satisfies the following requirements:

(i) Requirements set forth in paragraph (d) of this section, including information required to be submitted under that paragraph;

(ii) In the case of a membership organization, membership of 2,000 or more persons, as certified by the head of the organization;

(iii) Capability and resources to provide representation to a sizable number of claimants;

(iv) Capability to represent claimants before the Board of Veterans' Appeals in Washington, D.C.; and

(v) Geographic diversification, i.e., either one or more posts, chapters, or offices in at least ten states, or one or more members in at least twenty states.

(b) State organization. An organization created and primarily funded by a State government for the purpose of serving the needs of veterans of that State may be recognized. Only one such organization may be recognized in each State.

(c) Regional or local organization. An organization other than a State or national organization as set forth in paragraphs (a) and (b) of this section may be recognized when the Department of Veterans Affairs has determined that it is a veterans' service organization primarily involved in delivering services connected with either title 38 U.S.C., benefits and programs or other Federal and State programs designed to assist veterans. The term veteran as used in this paragraph shall include veterans, former armed forces personnel, and the dependents or survivors of either. Further, the organization shall provide responsible, qualified representation in the preparation, presentation, and prosecution of claims for title 38 U.S.C., benefits.

(d) Requirements for recognition. (1) In order to be recognized under this section, an organization shall meet the following requirements:

(i) Have as a primary purpose serving veterans. In establishing that it meets this requirement, an organization requesting recognition shall submit a statement establishing the purpose of the organization and that veterans would benefit by recognition of the organization.

(ii) Demonstrate a substantial service commitment to veterans either by showing a sizable organizational membership or by showing performance of veterans' services to a sizable number of veterans. In establishing that it meets this requirement, an organization requesting recognition shall submit:

(A) The number of members and number of posts, chapters, or offices and their addresses;

(B) A copy of the articles of incorporation, constitution, charter, and bylaws of the organization, as appropriate;

(C) A description of the services performed or to be performed in connection with programs administered by the Department of Veterans Affairs, with an approximation of the number of veterans, survivors, and dependents served or to be served by the organization in each type of service designated; and

(D) A description of the type of services, if any, performed in connection with other Federal and State programs which are designed to assist former Armed Forces personnel and their dependents, with an approximation of the number of veterans, survivors, and dependents served by the organization under each program designated.

(a)(1) The accredited representatives of recognized organizations (§ 14.627 of this chapter) holding appropriate power of attorney and recognized attorneys (§ 14.629(b) of this chapter) with the written authorization of the claimant may, subject to the restrictions imposed by paragraph (a)(2) of this section, inspect the claims, insurance and allied folders of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him or her to the claimant or, if the claimant is incompetent, to his or her legally constituted fiduciary. Under the same restrictions, it is permissible to release information from and permit inspection of loan guaranty folders in which a request for a waiver of the debt of a veteran or his or her spouse has been received, or where there has been a denial of basic eligibility for loan guaranty benefits. All other information in the files shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Department of Veterans Affairs of the claim of the claimant. The heads of field facilities and the directors of the services concerned in Central Office will each designate a responsible officer to whom requests for all files must be made, except that managers of centers with insurance activities will designate two responsible officials, recommended by the division chiefs concerned, one responsible for claims and allied folders and the other for insurance files. The term claimant as used in this paragraph includes insureds.

(2) In the case of a living veteran a representative acting under a power of attorney from any person not acting on behalf of the veteran will not be permitted to review the records of the veteran or be furnished any information therefrom to which the person is not entitled, i.e., information not relating to such person alone. Powers of attorney submitted by the other person will be considered "Limited" and will be so noted when associated with the veteran's records. The provisions of this subparagraph are also applicable to recognized attorneys and the requisite declarations filed by them.

(3) When power of attorney does not obtain, the accredited representative will explain to the designated officer of the Department of Veterans Affairs the reason for requesting information from the file, and the information will be made available only when in the opinion of the designated officer it is justified; in no circumstances will such representatives be allowed to inspect the file; in such cases a contact report will be made out and attached to the case, outlining the reasons which justify the verbal or written release of the information to the accredited representative.

(4) In any case where there is an unrevoked power of attorney or declaration of representation, no persons or organizations other than the one named in such document shall be afforded information from the file except under the conditions set forth in § 14.629(b)(2) of this chapter. When any claimant has filed notice with the Department of Veterans Affairs that he or she does not want his or her file inspected, such file will not be made available for inspection.

(b)(1) Inspection of folders by accredited representatives or recognized attorneys holding a written authorization where such cases are being processed shall be in space assigned for such inspection. Otherwise station heads may permit inspection of folders at the desks of the accredited representatives, in the office(s) which they regularly occupy.

(2) An insured or after maturity of the insurance by death of the insured, the beneficiary, may authorize the release to a third person of such insurance information as the insured or the beneficiary would be entitled to receive, provided there is submitted to the Department of Veterans Affairs, a specific authorization in writing for this purpose.

(3) Unless otherwise authorized by the insured or the beneficiary, as the case may be, such authorized representative, recognized attorney or accredited representative shall not release

**Testimony on HB 1057**

**Lonnie Wangen, Commissioner**

North Dakota Department of Veterans Affairs (ND-DVA)

March 5, 2009

Senator Dever and Committee Members: I would like to provide my testimony and answer any questions you may have. I will address this bill by section.

**Section 1:** Adds the statement starting on page one line 13: "The county veterans' service officer must maintain accreditation by the North Dakota Department of Veterans Affairs within two years of appointment".

In my testimony to the House I asked that this section be amended from it's original statement that read...

"The county veterans' service officer must maintain accreditation by the national association of county veterans' service officers within one year of appointment".

And asked that this be changed to read...

"The county veterans' service officers must comply with accreditation requirements as set by the North Dakota Department of Veterans Affairs in compliance with the Federal VA Office of General Council".

This would allow the ND-DVA to set accreditation standards and training requirement for County Veteran Service Officers (CVSO's) on state benefits and programs. This would also allow the ND-DVA to work with the Federal VA to ensure that the CVSO's are accredited with the Federal VA in accordance to the guidelines and regulations set by the Federal VA's Office of General Council (OGC).

This would allow the CVSO's to gain accreditation without concerns with the number of hours they work in a year. This would also allow the ND-DVA and the Association of County Veterans Officers training committee to choose training curriculum to serve their needs in the future.

As I have testified to the house and during the interim. I do not believe we as a state should tie ourselves down to one organization to provide our accreditation and training. There are many to choose from. And as with any organization they are only as good as the people who work for them, if an organization is providing great training we would want to gain their service. As trainers leave these organizations and new trainers come in the training quality may change. These organizations may change their missions and not provide training or they may go away all together. We need to have the opportunity to seek the best trainers and a variety of training organizations. This is one of the main duties of the ND-DVA.

**Section 2:** As I have testified to the House and the Interim committee. The ND-DVA has a policy in place set by the Administrative Committee on Veterans Affairs (ACOVA) which is much more stringent than this section. The chairman of the subcommittee on the Department of Veterans Affairs Mr. Dean Overby will testify on this issue.

**Section 3:** I appreciate the wording of this section which allows the ND-DVA to use two of its FTE's as trainer.

I would like to ask that this committee consider adding these two FTE positions to our department. This bill was supposed to address the "Delivery of Services" to the veterans of North Dakota. What has been testified by many in the past and what still remains is the need for more training and outreach into the counties. If the ND-DVA had two FTE trainers which could travel into the counties to meet with the CVSO's to conduct "one-on-one" or small regional training events to assist our CVSO's with outreach procedures and proper claim filing I believe we could greatly improve these services and bring more benefits to North Dakota's Veterans' and their families.

**Section 4:** I appreciate the current wording of this section. I appreciate the appropriations to bring in contracted training for our CVSO's. And I appreciate that this does not tie our state to one organization into the future.

**Continued discussion**

I have discussed the concern of services to North Dakota's Veterans and their families with many Senators and Representatives. They bring up many concerns in which this training will only address in a small way. I have been approached many times with the idea of better structure of our states service officers, mainly in the way of regionalization. I have had a study conducted on this matter and have provided it to the Coordinating Council and the ACOVA in January of this year.

There has not been time to review and form an opinion on this study, also the stakeholders involved have not had time to review and input their concerns. This study does not address all the issues of the Veterans.

I would support the idea of an interim study if it were conducted by an independent entity with no stake in North Dakota's Veterans, it's organizations, agencies or constituents. This study would also need to address the needs of the CVSO in terms of support such as minimal office space and location, office supplies, secure files, private space to visit with veterans, adequate computers with up to date software, internet and e-mail access, travel budget and training budget. It would

need to explore other states structures for efficiency, effectiveness, possible increases to our Veterans benefits and should make service to all Veterans and their families in North Dakota equal in quality and accessibility.

**North Dakota Senate  
Government and Veterans Affairs Committee**

**Testimony**

**H.B. 1057**

**March 5, 2009**

**Prepared by**

**Warren J. Tobin  
Stutsman County  
Veterans Service Officer**



Chairman Dever, members of the committee, distinguished visitors, ladies and gentlemen: Good Morning. My name is Warren Tobin, and I am the Stutsman County Veterans Service Officer (CVSO). I am currently accredited with the National Association of County Veterans Service Officer (NACVSO) and cross accredited with four major veterans organizations (Disabled American Veterans, Veterans of Foreign Wars, American Veterans (AMVETS) and the Vietnam Veterans of America). I am a full-time employee, a charter member of the Professional Veterans Advocates of North Dakota, and former chair of the Training Committee for the ND Association of County Veterans Service Officers. In my past experience, I was the Instructional Systems Manager for an Air Force Minuteman Missile Wing and a former Adjunct Faculty member of one of the states' colleges.

Thank you for the opportunity to testify on this important issue. The original version of HB 1057, after two years of study by the interim legislative committee, provided a bold strategy to improve service to North Dakota's veterans, their dependents and their survivors. Since the bill was significantly amended in the house, what you have before you significantly limits the scope and impact of HB 1057. These significant changes have dramatically reduced the potential impact of the bill. It is my opinion that a very significant feature of the bill can still be salvaged with your help.

One change that has the potential for significantly improving the skills, knowledge and abilities of our CVSOs is by the requirement for mandatory accreditation. Accreditation by an organization recognized by the Department of Veterans Affairs is the most observable method to demonstrate the individual has the minimum skills and knowledge to provide quality service to his or her clients. In its HB 1057s submitted version, NACVSO was selected to provide the training and accreditation for our CVSOs. This is the most appropriate approach. Conclusions regarding this matter and amendments to the bill may have resulted from some testimony which I would consider to be potentially misleading. From my perspective, NACVSO training is the Gold Standard for CVSO training. This VA Approved Course taught by certified instructors is well known to be of outstanding quality. The instructors are all CVSOs who receive training and instructor certification. These CVSOs bring the "Book Knowledge" of the VA's regulations and federal law to the classroom, but equally as importantly, they bring the "Practical Knowledge" or the real world experiences of being a CVSO into the classroom. This adds a level of learning that is difficult, if not impossible, to duplicate anywhere else. The high quality of NACVSO training is well known among organizations which represent veterans. A CVSO with NACVSO accreditation may be accredited by over a dozen veterans organizations without any additional training. Among these organizations

are the DAV, AMVETS, Vietnam Veterans of America, Military Order of the Purple Heart, and VFW. The DAV, VFW, and AMVETS account for the majority of the clients serviced by the Fargo, ND VA Service Center.

In a previous response to House testimony, I covered, in some detail, the issues involved in the ND Department of Veterans Affairs conducting training and CVSO certification. Other speakers will address this item today in greater detail and discuss the potential impact of the American Legion providing CVSO accreditation training. I support the testimony of the Burleigh and Morton County CVSOs regarding this issue. I would like to emphasize that it is my understanding that NACVSO training is the only training that would qualify a CVSO for cross accreditation without additional training.

If HB 1057 were to be enacted in its current form, additional training for North Dakota's CVSOs would be provided. Training would be administered by the ND Department of Veterans Affairs and, I have been informed, would be provided by the American Legion. CVSOs might be accredited by the American Legion upon completion of this training. The ND Department of Veterans Affairs has no ability to accredit CVSOs and other veterans service organizations (DAV, VFW, AMVETS) would not accredit these CVSOs without additional training. This is clearly not the most effective method to provide the needed training and demonstration of our CVSOs skill, knowledge, and ability.

As a final note, the commissioner's recommendation for ND Department of Veterans Affairs supervision of CVSOs would create potential conflicts of interest and may not result in the best results for our veterans. Again, I have provided background on this matter in my discussion of the commissioner's comments and support the comments of Burleigh and Morton CVSOs on this matter.

I believe the House departed from a thoroughly studied and well considered approach to improve the quality of service to our states 50,000 plus veterans. By its amendments, the House did recognize the critical need to improve the quality of training for our CVSOs. However, the engrossed bill misses the bullseye of NACVSO training and certification. I encourage you to amend this engrossed bill to correct this item.

In conclusion, the critical task of training our states CVSOs should be conducted by the best experts available – NACVSO. To enact the engrossed version of HB1057 would obtain less than the desired effect, potentially could be detrimental to some of our CVSOs and ultimately our states veterans would not have access to the highest quality of service.

I will gladly address any questions you may have

Testimony on HB 1057  
Dean Overby, Chairman  
Veterans Affairs Subcommittee  
**ND Administrative Committee on Veterans' Affairs**  
Senate Government and Veterans Affairs Committee  
March 5, 2009

Good morning Chairman Dever and committee members. I am Dean Overby, Chairman of the Veterans Affairs Subcommittee and member of the Administrative Committee on Veterans' Affairs. I am here representing the Administrative Committee on Veterans Affairs regarding Section 2 of House Bill 1057.

The Veterans' Affairs Subcommittee is responsible for supervision and government of the North Dakota Department of Veterans Affairs (ND-DVA). The subcommittee reports to the Administrative Committee on policies and procedures for the department. The full committee then votes to adopt these recommendations.

In January 2006, the Administrative Committee put in place a conservatorship policy (Policy #103 attached). This was the result of problems uncovered by a previous audit. The policy was revised November 2007 to accommodate family matters.

As you can see from the attachment, department policy is more restrictive than what is proposed in section 2 of HB 1057.

Under Section 2, department employees could serve as conservators as long as their clients receive services or benefits from another source. An example is a veteran who is working with a county servicer officer, has chosen another organization to represent him/her before the U.S.

Department of Veterans Affairs, and is not in receipt of the financial programs which are administered by the ND-DVA.

If a ND-DVA employee served as a conservator for a veteran which the ND-DVA does not represent, as this section states is permitted. This would prohibit that veteran from receiving a hardship grant which provides dental or optical assistance to low income recipients. This would also prevent a veteran from receiving a veterans' aid loan which provides assistance in financially difficult times. This is not fair to the veteran who has earned the right to these benefits.

We ask that you remove Section 2 of House Bill 1057 or at least adopt the policy that is presently in place.

Thank you.

Dean Overby

Chairman Sub-committee on ND-DVA

**STATE OF NORTH DAKOTA  
DEPARTMENT OF VETERANS AFFAIRS  
DEPARTMENT POLICIES**

---

**SUBJECT:** Conservatorships / Guardianships

**POLICY NO:**  
103

**DISTRIBUTION:** Department Personnel

**EFFECTIVE:**  
ACOVA Mtg  
11/2007

**PAGE NO:**  
1 of 1

---

No employee, including the commissioner, shall serve as a conservator or guardian.

Exceptions to this policy fall under N.D.C.C. 30.1-27, Guardians of Minors and/or in family situations.

It is the position of the Administrative Committee on Veterans' Affairs that the Department of Veterans' Affairs not implement a conservatorship program, but instead, continue efforts to include such a program in the state's guardianship program.

## AMENDMENTS TO REENGROSSED HOUSE BILL 1057

Page 1, line 14, remove "maintain" and insert "comply with" and after "accreditation" insert "requirements as set"

Page 1, line 15, after "appointment" insert "or December 1, 2010, if the individual is serving as a county veterans' service officer on August 1, 2009, by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans affairs"

Page 2, line 5, remove "a person" and insert "an individual" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** Before July 1 and December 1 each year through December 1, 2010, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act and the agency or organization through which each officer has been accredited, and also an accountability report with respect to the use of the funds granted under section 4 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers."

Page 2, line 10, remove "4" and insert "5"

Renumber accordingly

*"immediate family member"*, of a person, means [VETERANS' ENTITLEMENTS ACT 1986 – sec. 5Q] an individual:

- (a) who is a natural parent, adoptive parent or step-parent of the person; or
- (b) who is, or was when the person was under 18 years of age, a legal guardian of the person; or
- (c) who is a grandparent of the person; or
- (d) who is a sibling of the person.

## AMENDMENTS TO REENGROSSED HOUSE BILL 1057

Page 1, line 14, remove "North Dakota department of"

Page 1, line 15, remove "veterans' affairs" and insert "national association of county veterans' service officers" and after "appointment" insert "or December 1, 2010, if the individual is serving as a county veterans' service officer on August 1, 2009"

Renumber accordingly

### Purpose of Amendment:

The Amendment reinstates the text of the bill as introduced – that specifies the National Association of County Veterans Service Officers as the accrediting-training agency – and gives any new County veterans service officer two years to achieve accreditation (as specified in the original bill), but the Amendment requires currently serving officers to become accredited by December 1, 2010, so that the Legislative Assembly can determine the progress made on achieving accreditation of County Veterans Service Officers.

**PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057**

Page 1, line 14, replace "maintain" with "comply with", after "accreditation" insert "requirements as set", and remove "North Dakota department of"

Page 1, line 15, remove "veterans affairs", insert "national association of county veterans' service officers", and after "appointment" insert "or December 1, 2010, if the individual is serving as a county veterans' service officer on August 1, 2009, or after August 1, 2011 by a recognized service organization or the department of veterans' affairs in compliance with requirements of the United States department of veterans affairs"

Page 1, line 23, after "pursuits" insert ". A county veterans' service officer may not serve as a conservator for a person receiving benefits or services from the department of veterans' affairs or the United States department of veterans affairs, except if the person is the spouse or an immediate family member of the employee"

Page 2, line 5, replace "a person" with "an individual" and after "department" insert "except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

**"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** Before December 1, 2009 each year through July 1, 2010 and December 1, 2010, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act and the agency or organization through which each officer has been accredited, and also an accountability report with respect to the use of the funds granted under section 4 of this Act for the training program offered through the department of veterans' affairs to county veterans' service officers, and by December 1, 2010, each county shall report to the legislative council the county's compliance with Section 1 of this Act."

Page 2, line 10, remove "4" and insert "5"

Renumber accordingly



**PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1057**

Page 1, line 14, replace “maintain” with “comply with”, after “accreditation” insert “requirements as set”, and remove “North Dakota department of”

Page 1, line 15, remove “veterans affairs”, insert “national association of county veterans’ service officers”, and after “appointment” insert “or December 1, 2010, if the individual is serving as a county veterans’ service officer on August 1, 2009, by a recognized service organization or the department of veterans’ affairs in compliance with requirements of the United States department of veterans affairs”

Page 2, line 5, remove “a person” and insert “an individual” and after “department” insert “except if the individual is the spouse or an immediate family member of the employee”

Page 2, after line 9, insert:

“**SECTION 4. REPORTS TO LEGISLATIVE COUNCIL.** Before December 1, 2009 each year through July 1, 2010 and December 1, 2010, the commissioner of veterans’ affairs shall provide to the legislative council a report regarding the number of county veterans’ service officers accredited in accordance with the requirements of section 1 of this <sup>Act</sup> ~~Act~~ and the agency or organization through which each officer has been accredited, and also an accountability report with respect to the use of the funds granted under section 4 of this Act for the training program offered through the department of veterans’ affairs to county veterans’ service officers, and by July 1, 2010, each county shall report <sup>whether</sup> ~~to~~ the legislative council <sup>to</sup> the county has or intends have an accredited county veterans service officer by December 1, 2010.”

Page 2, line 10, remove “4” and insert “5”

Renumber accordingly

1  
HB 1057

*Senate  
approves*

Suggested amendment

Lonnie Wangen-Commissioner ND-DVA

Section 1:

Line 13 after 37-19.1-02 through line 21: remove all underlined amendments  
and replace with:

The county veterans' service officers must comply with accreditation  
requirements as set by the North Dakota Department of Veterans Affairs in  
compliance with the Federal VA Office of General Council.

Renumber appropriately.