

**ISSUES AND OPTIONS PAPER:**  
**Structure, Mission, and Funding of Veterans' Affairs**

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for the  
***SJR 5 Subcommittee on Veterans' Affairs***

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**ISSUE #1: GOVERNANCE STRUCTURE**

**What is the best structure to accomplish your policy goals for the  
governance of veterans affairs?**

**CURRENT LAW**

**"2-15-1205. Board of veterans' affairs.** (1) There is a board of veterans' affairs.

(2) The board consists of ***five members appointed by the governor*** with the consent of the senate. Not more than one member shall be appointed from a single county. However, a change of residence within the state after appointment does not alter a member's status. All members shall be residents of this state and shall have been honorably discharged from service in the military forces of the United States in any of its wars. A vacancy occurring on the board shall be filled by the governor, subject to the conditions of this subsection.

(3) Each member shall receive compensation and travel expenses as provided for in 37-1-133.

(4) Each member shall serve for a ***term of 5 years***.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the ***board may hire its own personnel***, and 2-15-121(2)(d) does not apply."

**POLICY GOALS FOR GOVERNANCE**

***Accountability***

***Accessibility***

***Responsiveness***

***Effectiveness***

## **STAFF ANALYSIS**

### Strengths of a board structure:

- ? independence from bureaucracy
- ? power not vested in one alone
- ? deliberative decisionmaking

### Good examples:

- ? occupational licensing boards
- ? boards of trustees
- ? board of directors of corporations
- ? parole boards

### Weaknesses of a board structure:

- ? lack of accountability to anyone "higher"
- ? accessibility depends on how board chooses to operate, who appoints members, how stakeholders are represented
- ? deliberative decisionmaking can be slow and indecisive or "wishy washy"
- ? not built to make tough personnel decisions

### Examples where weaknesses show:

- ? board administrator has to "check with the Board first" or may simply not commit to action
- ? other agencies not sure if administrator speaks for the Board, can choose to "not hear" the voice
- ? complaints or problems with the administrator not easy to bring to the board for resolution

### Potential consequences of dysfunctional structure:

- ? little accountability
- ? limited accessibility
- ? slow responsiveness to issues
- ? weakened effectiveness as an official voice or advocate

A board structure is appropriate in certain circumstances, i.e., when the need for independence, limited power, and slower decisionmaking is actually desirable, as listed in the good examples of boards listed above.

However, in providing for the effective governance over publically-funded potions and publically funded programs, the board structure is inherently weak.

The Subcommittee should move away from placing board members in the role of directing and governing a state agency.

### **STRUCTURE OPTIONS CHECKLIST**

1. Status Quo, no change
  
2. Retain Board as the governance structure, but make changes in certain areas
  - ? who nominates/appoints?
  - ? how many members?
  - ? how long of terms? how many terms?
  - ? how removed from office?
  - ? continue to be administratively attached?
  - ? continue to hire own staff?
  
3. Revise the Board's role by moving away from using the Board as a governing entity for a state agency
  - ? real professional licensing board
  - ? advisory council
  - ? planning board

## ISSUE #2: MISSION OR DUTIES

**What should be the mission of the state agency/entity responsible for veterans' affairs?**

### CURRENT LAW

**"10-2-102. Duty of board -- employee qualifications.** (1) The board shall establish a **statewide service** for discharged **veterans and their families**, actively **cooperate** with state and federal agencies having to do with the affairs of veterans and their families, and **promote** the **general welfare** of all veterans and their families.

(2) **Employees** of the board must be residents of this state. Whenever possible, all employees of the board must have served in the military forces of the United States during World War I, World War II, the Korean war, or the Vietnam conflict and must have been honorably discharged. Preference for employment must be given to disabled veterans.

### POLICY GOALS FOR MISSION

*Defined*

*Strategic*

*Executable*

*Measurable*

*Funded*

### HJR 1: POLICY GUIDANCE

- ? need to keep the spotlight on the VA so they know we care and are watching out for our constituencies
  - consider elevating veterans' affairs to governor's office for visibility advocacy
- ? need to provide emergency aide to veterans who, because of bankruptcy or other problems, encounter crisis, become suicidal, depressed, hospitalized, or incarcerated (high-end costs)
  - favor assumed eligibility, emergency subsistence grant money being made available to VSOs
- ? need case management, is the glue that keeps services coordinated and prevents veteran from being bounced around in the public assistance arena

- ? mentally ill veterans are most vulnerable and least capable of accessing the services, need to be handicapped accessible, build a "wheelchair ramp"

### **MISSION OPTIONS CHECKLIST**

- ? Specify in statute those duties that the MVAD is performing now.

OR

- ? Specify in statute new duties (see list of unmet needs)

### **Regarding Employees**

For the current VSO positions, issues that the Subcommittee may wish to address in statute include:

- ? whether staff is classified or exempt
- ? training requirements
- ? certification or accreditation of VSOs

### **Regarding Cemetery Program**

Current statutes regarding the cemetery program should be rewritten. The question to be addressed by the subcommittee is who should administer the cemetery program:

- ? DMA (current law)
- ? Board (current practice)
- ? Other (based on new structure)

## STAFF ANALYSIS: MISSION

Current law is inadequate and needs to be rewritten, even if the Subcommittee decides to simply place in statute what the Board currently understands its mission to be.

### Current mission (based on a very general understanding):

- ? help veterans who walk through the door or come to meetings to fill out the paperwork and obtain the necessary records and documents to file a claim for VA benefits
- ? administratively process the claim
- ? help a veteran prove a claim
- ? advise a veteran about what federal or state benefits the veteran may be eligible for
- ? refer veterans and family members to other needed services
- ? administration of state veteran cemeteries

### Unmet needs identified to the Subcommittee:

- ? effective advocacy in front of the VA to help veterans and private service providers resolve complaints or file grievances through appropriate channels
- ? emergency subsistence grant program for veteran or family in crisis (time between filing a claim and waiting for it to be approved and paid)
- ? support for homeless stand downs and agency coordination with the existing HUD and Continuum of Care programs
- ? outreach to veterans with special needs or issues (mental health, chemical dependency, Native Americans, homeless)
- ? veteran service officers (huge caseloads)
- ? information and communication program (service directory, benefits directory, newsletter, website, e-mail)
- ? grant-writing to capture federal or foundation grant money
- ? coordination and communication among veteran service organizations
- ? needs assessments, data, performance measures, strategic vision, action plan, goals, feedback and program evaluation tools
- ? others?

## MISSION FUNDING

Additional duties will require additional resources. Costs can be reduced if the agency structure is efficient and duties and responsibilities are shared and integrated. Well-coordinated programs maximize existing resources and grant-writing can help capture new funding.

But, when resources are wisely used, the fruits that can be harvested. For example, while additional VSOs or better training costs, more claims that are well-developed can result in higher benefit payments and less "purgatory" time for a veteran who has to appeal or re-done because of errors. Another example is that while it may cost more to provide for a service directory or a state e-mail capability for VSOs, efficiency may be improved, resulting in more time for outreach, etc.

In any case, when considering mission and duties to be outlined in statute, the Subcommittee may wish to keep in mind the cost/benefit ratios and aim for getting the "biggest bang for the buck".

### Funding Options

- ? general fund
- ? license plate fees
- ? cigarette tax
- ? tobacco settlement
- ? issue bonds, create a trust fund
- ? other ideas?

## SUMMARY

### **Structure, do you take this mission to be your lawfully wedded wife?**

Anyone who has been married knows from personal experience that there is no such thing as a perfect marriage. A successful relationship takes hard work, commitment, and a willingness to accept each other's shortcomings while appreciating each other's strengths. One is constantly working to improve it. But, when one is engaged in such a personal relationship, it is difficult to not take things too personally and to gracefully accept working to improve it doesn't mean the relationship is falling apart. Yes, this is a carefully-worded preamble to a delicate topic, how improve the marriage between the structure of state veterans' services and the mission and duties the legislature would like to see accomplished with the resources it appropriates.

This paper has presented options and analysis on structure and mission. It is up to the Subcommittee to go back through this paper to determine what direction to move in. But, how will the big picture look when you are done working on the pieces? The following are few "bigger pictures" of how veterans affairs could look when you are done. It will be up to you to evaluate what seems to be the best marriage of policy goals, structure, mission, and resources.

#### **Marriage A:**

- ? **Board gets rulemaking:** Only change from current structure is that the legislature empowers the Board to adopt rules so it can properly administer programs, such as the cemetery program, and go through the MAPA rulemaking process with appropriate technical and legal support with appropriate public notice and input. The rewrite of statutory duties would only codify current duties and practices.
  
- ? No additional FTE
  
- ? Budget increased for:
  - ? Communications, computer system, info. tech, publications
  - ? Rulemaking function
  - ? Any other additional enhancements Subcommittee would make

**Marriage B:**

- ? Make DMA the lead agency: Delete the statutory exception to the administrative attachment provisions that allows the Board to hire its own staff. MVAD would be like a regular division of DMA. The Board's role would be more like that of an advisory council and/or a trustee for the cemetery funds. Add to DMA's duties the missions (see list of unmet needs, evaluation and reporting requirements, etc.)
  
- ? Additional FTE ?
  
- ? Budget increased for:
  - ? Communications, computer system, info. tech, publications
  - ? Rulemaking function
  - ? Any other additional enhancements Subcommittee would make

## **Marriage C:**

? Make veterans affairs its own lead agency (a new department or office with a direct line to the governor: There would be a director of veterans' affairs appointed by the governor just like a department head, the information technology officer, or the head of the economic development office. This agency would encompass all the current functions of MVAD, so it would maintain its structural integrity (swallowed whole). The agency could be structured as follows:

? Director (1 FTE)

? 3 Divisions

? Benefit claims, current VSO structure (add 0.5 FTE)

? Cemeteries, current structure (add 0.5 FTE)

? Special programs (add 2 FTE)

? A grant-writer/grant program administrator  
- capture federal and private money

? An ombudsman/coordinator/communications director

? Total of 4 new FTE

? Operational budget increase for:

? Computer and info technology support (e-mail, website)

? Newsletter, directories, other publications

? Travel

? Other ?