

WE—VETER—HMS—SUNCS—6002

Colorado Department of Regulatory Agencies  
Office of Policy, Research and Regulatory Reform

## Colorado Board of Veterans Affairs



October 12, 2006

# STATE OF COLORADO

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**DEPARTMENT OF REGULATORY AGENCIES**  
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Bill Owens  
Governor

October 12, 2006

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the Colorado Board of Veterans Affairs (Board). I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2007 legislative committee of reference. The report is submitted pursuant to section 24-34-104(8)(a), of the Colorado Revised Statutes (C.R.S.), which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The department of regulatory agencies shall submit a report and supporting materials to the office of legislative legal services no later than October 15 of the year preceding the date established for termination....

The report discusses the question of whether there is a need for the Board provided under Article 5 of Title 28, C.R.S. The report also discusses the effectiveness of the Board in carrying out the intent of the statutes and makes recommendations for statutory changes in the event this board is continued by the General Assembly.

Sincerely,



Tambor Williams  
Executive Director

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## Executive Summary

### Quick Facts

**What Does the Board Do?** The Colorado Board of Veterans Affairs (Board) identifies and studies veterans' needs in order to advise the Governor, General Assembly, the Colorado Department of Military and Veterans Affairs and other state agencies. In addition, the Board distributes proceeds from the Colorado State Veterans Trust Fund.

**Who is Involved?** The Board is administratively housed in the Colorado Department of Military and Veterans Affairs. Board membership at the time of the publication of this sunset report is:

- Ralph P. Bozella, Board Chair
- Marvin L. Meyers
- Randall L. Hoffman
- C. Douglas Sterner
- George Thomas
- Dr. Rodolfo Arguello
- Representative William Sinclair

**Board Accomplishments.** During the last two fiscal years, the Board has:

- Established a process for distributing funds from the Colorado State Veterans Trust Fund;
- Supported creation of the State and Veterans Nursing Home Legislative Oversight Committee, and the creation of the State and Veterans Nursing Home Legislation Commission; and
- Overseen distribution of the Veterans Trust Fund.

**Where Do I Get the Full Report?** The full sunset review can be found on the internet at:  
<http://www.dora.state.co.us/opr/oprpublications.htm>

### Recommendation

#### **Continue the Board.**

The Colorado Board of Veterans Affairs (Board) has performed its duties, from advising the Governor, General Assembly, and state agencies to oversight of the Colorado State Veterans Trust Fund (Fund) in a manner consistent with the intent of the General Assembly as expressed in the Board's statutory mandate.

The Board has been active in supporting legislation beneficial to veterans. In addition, oversight of the Fund including the development of a grant policy, grant process, application and schedule for awards from the Fund and a monitoring program to assure proper use of grants from the Fund was accomplished by the Board in conjunction with the Department of Military and Veterans Affairs.

### **What is a Sunset Review?**

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether or not they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with the public interest. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the rights of businesses to exist and thrive in a highly competitive market, free from unfair, costly or unnecessary regulation.

Sunset Reviews are Prepared By:  
Colorado Department of Regulatory Agencies  
Office of Policy, Research and Regulatory  
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1560 Broadway, Suite 1550  
Denver, CO 80202  
[www.dora.state.co.us/opr](http://www.dora.state.co.us/opr)

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## Background

### *The Sunset Process*

The functions of the Colorado Board of Veterans Affairs (Board) in accordance with Article 5 of Title 28, Colorado Revised Statutes (C.R.S.), shall terminate on July 1, 2007, unless continued by the General Assembly. During the year prior to this date, it is the duty of the Department of Regulatory Agencies (DORA) to conduct an analysis and evaluation of the Board pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the Board should be continued for the protection of the public and to evaluate the performance of the Board. During this review, the Board must demonstrate that there is still a need for the Board. DORA's findings and recommendations are submitted via this report to the legislative committee of reference of the Colorado General Assembly.

### *Methodology*

As part of this review, DORA staff interviewed Department of Military and Veterans Affairs (Department) staff, interviewed the Chair of the Board, reviewed records and minutes, interviewed a representative of the American Legion (who serves on the Board), and reviewed Colorado statutes.

The Board is an advisory body located in the Department. Typically, sunset reviews of advisory bodies are guided by statutory provisions found at section 2-3-1203, *et seq.*, C.R.S.

This sunset review is scheduled for review according to the provisions of section 24-34-104(38)(b), C.R.S. However, the criteria for review of an occupational licensing board does not properly address the advisory functions of the Board.

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Since the previous sunset review of the Board was conducted under the provisions of section 2-3-1203, C.R.S., this review will apply those statutory provisions rather than those found in section 24-34-104. C.R.S.

Colorado law sets forth a requirement that each advisory committee, at the time of review, submit the following information:

- (A) The names of the current members of the advisory committee;
- (B) All revenues and all expenditures, including advisory committee expenses, per diem paid to members, and any travel expenses;
- (C) The dates all advisory committee meetings were held and the number of members attending the meetings;
- (D) A listing of all advisory proposals made by the advisory committee together with an indication as to whether or not each proposal has been acted on, implemented, or enacted into statute; and
- (E) The reasons why the advisory committee should be continued.

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## **Board of Veterans Affairs**

### *Duties of the Board of Veterans Affairs*

The Colorado Board of Veterans Affairs (Board) serves in an advisory capacity to the Colorado Department of Military and Veterans Affairs (Department) and, specifically, oversees the Colorado State Veterans Trust Fund (Fund), identifies and studies veterans' needs and advises the Governor, General Assembly and state agencies on a variety of veteran issues and programs, including the need for statutory or operational changes needed to improve assistance to veterans. Additionally, the Board serves in an advisory capacity to the State Board of Human Services and the Department of Human Services regarding operations and maintenance of state and veterans nursing homes.<sup>1</sup>

A significant responsibility of the Board is distribution of a portion of the funds from the Tobacco Settlement Cash Fund. Through Senate Bill 00-071, the General Assembly created the Fund and allocated to it, one percent of tobacco settlement funds, not to exceed \$1, million each fiscal year.

### *Board Members*

The current members of the Board are as follows:<sup>2</sup>

- Ralph P. Bozella, Board Chair
- Marvin L. Meyers
- Randall L. Hoffman
- C. Douglas Sterner
- George Thomas
- Dr. Rodolfo Arguello
- Representative William Sinclair

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<sup>1</sup> § 28-5-703(4), C.R.S.

<sup>2</sup> <http://www.dmva.state.co.us/viewpage.php?UGFnZUIEPTM0>.

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## Board Member Attendance

The following table illustrates the attendance at Board meetings for the period of September 2005 through June 2006.

**Table 1\***  
**Board Attendance**

Board Member	9/05	10/05	11/05	12/05	1/06	2/06	3/06	4/06	5/06	6/06
Ralph P. Bozella, Chair	X	X	X	X	X	X	X	X	X	X
Marvin L. Meyers, Legislation Co- Chair	X	X	X	X	X	X	X	X	X	X
Randall L. Hoffman, Vice Chair		X	X	X	X	X	X	E	X	E
C. Douglas Sterner, Community Ed Chair			X	X	X	X	X	X	E	X
George Thomas, Secretary	X	X	X	X	X	X	X	X	X	X
Dr. Rodolfo Arguello								X		
Representative William Sinclair	X	X	X	X	X	X	X	X	E	X
Armando Atencio				X	X	X	X	X	X	X

\*Table 1 reflects Board membership and attendance for the period reflected in the table. It does not reflect Board members appointed to the Board after June 2006 and may reflect Board members who are no longer on the Board.

X - Present

E - Excused

A table showing others in attendance at Board meetings is included as Appendix A on page 10.

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### *Board Expenditures*

The expenditures of the Board, for the past two fiscal years are shown in the following table.

**Table 2  
Board Travel Expenses**

<b>Month</b>	<b>Fiscal Year 04-05</b>	<b>Fiscal Year 05-06</b>
January	\$237	\$451
February	\$213	\$384
March	\$264	\$347
April	\$266	\$354
May	\$283	\$401
June	\$187	\$541
July	\$283	\$410
August	\$0	\$0
September	\$327	\$422
October	\$1,140	\$501
November	\$301	\$237
December	\$301	\$289
<b>Total</b>	<b>\$3,802</b>	<b>\$4,337</b>

### *Board Accomplishments*

The Board submitted the following accomplishments for consideration in this sunset review.

1. Established a process for distribution of funds in the Fund including development of a policy for disposition of grants. Appropriate application, schedule of awards and monitoring programs are all in place and operational.
2. Acquired \$120,000 in state funding for Veterans Memorial Cemetery of Western Colorado, which was not funded by the General Assembly at that time.
3. Supported the creation of the State and Veterans Nursing Home Legislation Oversight Committee and State and Veterans Nursing Home Legislative Commission.
4. Appointed two members of the Board to serve on the State and Veterans Nursing Home Legislative Committee.

5. Supported the creation of an advisory board for Fitzsimmons State Veterans Nursing Home.
6. Supported the passage of Referenda C and D. The Board enumerated eight potential negative outcomes for veterans absent passage of the referenda.

In addition to these activities, the Board oversaw the Fund. Tables 3 and 4 depict grants awarded by the Fund for fiscal years 04-05 and 05-06 respectively.

**Table 3  
FY 04-05 Grant Awards**

Post Name	Purpose	Granted Amount
DAV Region Denver	Homeless Vet Standdown	\$5,000
American Legion Post 113, Alamosa	Transportation Program	\$29,870
DAV Chapter 8, Greeley	Renovate Two Homeless Shelters in Greeley	\$19,000
American Legion Post 44, Steamboat Springs	Transportation Program	\$5,000
American Legion Post 108, Pagosa Springs	Vehicle Purchase Transportation Program	\$30,000
VFW Post 101, Colorado Springs	Renovation of Three Outreach Homes in Colorado Springs	\$50,000
VFW Post 3917, Security	Supportive Services to the Crawford House	\$50,000
American Legion Post 17, Edgewater	Assist Homeless and Incarcerated Veterans' Families	\$75,000
American Legion Post 2700, Grand Junction	Job-Related Assistance	\$20,000
American Legion	Veterans Assistance/Supportive Services (rent, food, bus passes)	\$3,500
<b>Total</b>		<b>\$287,370</b>

DAV = Disabled American Veterans  
VFW = Veterans of Foreign Wars

**Table 4  
FY 05-06 Grant Awards**

<b>Post Name</b>	<b>Purpose</b>	<b>Granted Amount</b>
American Legion Post 113, Alamosa	Transportation Program	\$25,870
American Legion Post 2, Pueblo	Transportation Program	\$10,540
American Legion Post 108, Pagosa Springs	Vehicle Purchase Transportation Program	\$32,710
VFW Post 3621, Lamar	Vehicle Purchase Transportation Program	\$31,400
VFW Post 4031, Durango	Transportation Program	\$25,000
VFW Post 4265, Craig	Transportation Program	\$10,000
DAV Chapter 8, Greeley	Renovation of Homeless Shelter Transportation Program and Insurance	\$8,949
VFW Post 9644, Sheridan	Homeless Program	\$75,000
American Legion Post 1992	Homeless Program Works Program	\$30,000
American Legion Post 66, Akron	Transportation Program	\$10,000
SVNH, Walsenburg	Entertainment System	\$7,500
American Legion Post 2700, Grand Junction	Work- and Job-Related Program	\$33,000
DAV, Denver	Homeless Vet Standdown	\$10,200
VFW Post 6331, Aurora	Employment Training Program	\$9,650
VFW Post 4051, Colorado Springs	Homeless Shelter Support	\$50,000
VFW Post 71, Golden	Homeless and Transportation Program	\$20,000
American Legion Post 203, Pueblo	Homeless Vet Standdown and Homeless Program	\$10,000
VFW Post 5231, Mancos	Assist Employment Program	\$2,063
SVNH, Walsenburg	Purchase Van	\$22,033
VFW Post 899, Alamosa	Assist Employment Program	\$3,000
TREA Chapter 1, Colorado Springs	Assist Employment and Homeless Vet Standdown	\$11,500
DAV Chapter 5, Loveland	Purchase Vehicle Transportation Assist Employment	\$31,000
SVNH Homelake, Homelake	Amenities	\$63,110
<b>Total</b>		<b>\$537,525</b>

DAV = Disabled American Veterans  
SVNH = State and Veterans Nursing Home  
TREA = The Retired Enlisted Association  
VFW = Veterans of Foreign Wars

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## **Analysis and Recommendations**

*Recommendation 1 – Continue the Colorado Board of Veterans Affairs for 11 years, until 2018, and schedule the next sunset review to be conducted pursuant to section 2-3-1203, Colorado Revised Statutes.*

The Colorado Board of Veterans Affairs (Board) has performed its duties, from advising the Governor, General Assembly, and state agencies to oversight of the Colorado State Veterans Trust Fund (Fund) in a manner consistent with the intent of the General Assembly as expressed in the Board's statutory mandate.

As discussed in the section of this report reviewing the Board's accomplishments, the Board has been active in supporting legislation beneficial to veterans. In addition, oversight of the Fund including the development of a grant policy, grant process, application and schedule for awards from the Fund and a monitoring program to assure proper use of grants from the Fund was accomplished by the Board in conjunction with the Department of Military and Veterans Affairs (Department).

The Department estimates that there are approximately 515,000 veterans eligible for benefits in the state of Colorado. Of course, not all of these veterans need assistance. However, those requiring assistance, including homeless or indigent veterans, nursing home residents and disabled veterans, among others, often have serious issues. The Department states that direct assistance through the Fund alone has benefited 7,735 veterans.

For these reasons, the Board should be continued.

*Administrative Recommendation 1 – Expand geographical representation on the Board.*

There are presently seven members on the Board. Two members are from Denver, one from Longmont, one from Golden, and one from Colorado Springs, one from Pueblo and one from San Pablo, Colorado.

There is, no doubt, a sizeable population of eligible veterans living on the Western Slope and throughout Colorado's rural areas. Some veterans' knowledge of, and access to the Board and the Department and, by extension, their benefits, could be improved if some of the Board seats were filled by individuals from the Western Slope or representatives from other areas.

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It may be tempting to amend the statute to assign seats to certain geographical areas, but such an approach can be counterproductive. Finding persons willing to serve without pay on state boards can be challenging. If the law requires that certain conditions be met, the process can be further complicated and more time-consuming. In the worst case, it can virtually tie the Governor's hands and a seat may be left vacant for some time.

In the case of the Board, a more practical approach would be for the Board to take the lead and work with the Department to recruit interested individuals from around the state to apply for Board membership. Once the applications are received, the Board can make recommendations to the Governor to aid in the selection process.

## Appendix A – Others in Attendance at State Board of Veterans Affairs Meetings (April 2006 – June 2006)

<b>April 19, 2006</b>	
Robby Robinson	Department of Military and Veterans Affairs
Bill Belz	Department of Military and Veterans Affairs
Les Kennedy	Department of Military and Veterans Affairs
Warren Tellgren	President, United Veterans Council
Wayne Thompson Jr.	Veterans of Foreign Wars
George Palmateer	American Legion
John Johnson	Director, State and Veterans Nursing Home
Lori Seim	Business Manager of Fitzsimons Nursing Home
Jeff Jerebker	Pinon Management
Ken Melcher	Air Force Sergeants Association
Mason Whitney	Major General, Colorado Air National Guard
J.R. Hancock	County Veterans Service Officers of Rio Grande
Frank Muniz	County Veterans Service Officers of Alamosa
Virginia Cordova	Visitor
Rudy and Casey Arguello	Veterans of Foreign Wars
Walter Paul	Department of Military and Veterans Affairs
Congressman John Salazar	
Ronnie Carlton	Chief of Staff for John Salazar in Washington, DC
Sal Pace	Colorado Director for John Salazar
Paula Sarells	Women's Marine Association
Don Bendell	Special Forces Association
<b>May 10, 2006</b>	
Robby Robinson	Department of Military and Veterans Affairs
Bill Belz	Department of Military and Veterans Affairs
Les Kennedy	Department of Military and Veterans Affairs
Warren Tellgren	President, United Veterans Council
George Palmateer	American Legion
John Johnson	Director of SVNH
Jeff Jerebker	Pinon Management
Ken Melcher	Air Force Sergeants Association
Justin Winburn	Governor's Office
Artie Guerrero	United Veterans Council
Walter Paul	Department of Military and Veterans Affairs
Doug Golden	County Veterans Service Officers
Larry Drake	Guest
<b>June 14, 2006</b>	
Robby Robinson	Department of Military and Veterans Affairs
Bill Belz	Department of Military and Veterans Affairs
Les Kennedy	Department of Military and Veterans Affairs
Warren Tellgren	President, United Veterans Council
George Palmateer	American Legion
Ken Melcher	Air Force Sergeants Association
Janet Jones	Department of Military and Veterans Affairs
Walter Paul	Department of Military and Veterans Affairs