

1 OFFICE OF THE GOVERNOR

2 Department of Veterans Affairs

3 Office of Kentucky Veterans Services

4 (New Administrative Regulation)

5 17 KAR 6:030. Kentucky Wounded or Disabled Veterans Program. Administrative Procedures.

6 RELATES TO: KRS 40.310, KRS 40.560, KRS 40.350

7 STATUTORY AUTHORITY: KRS 40.350

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.540 requires the department to
9 promulgate administrative regulations required for the effective administration of KRS 40.310
10 through KRS 40.560. KRS 40.350 authorizes the Kentucky Department of Veterans Affairs to
11 accept and expend moneys that may be appropriated by the General Assembly; and other monies
12 received from any other source, including donations and grants and other contributions from a
13 government unit and authorizes the department to administer the funds through the use of agency
14 accounts. KRS 40.350 requires the Kentucky Department of Veterans Affairs to manage the funds
15 and authorize expenditures and establish a Program Coordinator to facilitate the administration of
16 the Wounded or Disabled Veterans Program.

17 Section 1: Definitions.

18 (1) “Commissioner” means the Commissioner of the Kentucky Department of Veterans Affairs.

19 (2) “Coordinator” means the Coordinator of the Wounded or Disabled Veterans Program.

1 (3) “Disabled Veteran” means a veteran who was deemed disabled while serving in the United
2 States Armed Forces, under conditions other than dishonorable, or was deemed disabled by the
3 United States Department of Veterans Affairs after being discharged, under conditions other than
4 dishonorable.

5 (4) “Fund” means the Wounded or Disabled Veterans Program Fund.

6 (5) “Wounded Veteran” means a veteran who was wounded while serving in the United States
7 Armed Forces, who was discharged under conditions other than dishonorable.

8 Section 2. Expenditures and Fundraising.

9 (1) In accordance with this section and sections (2)-(4), money appropriated from the fund shall
10 be expended in support of the Wounded or Disabled Veterans Program’s initiatives that are
11 focused on easing the transition from active service for wounded or disabled veterans or ensuring
12 that wounded or disabled veterans receive the federal, state, and private benefits to which they are
13 entitled.

14 (2) Wounded or Disabled Veterans Program’s initiatives shall focus on at least one of the
15 following:

16 (a) Performing outreach to improve wounded or disabled veterans’ awareness of eligibility for
17 federal, state, and private wounded or disabled veterans’ services and benefits;

18 (b) Supporting legislation and policies on the local, state, and national levels to advocate and
19 bringing public awareness to wounded or disabled issues;

20 (c) Collaborating with federal, state, and private agencies that provide services to wounded or
21 disabled veterans, including:

1 1. Entering into data-sharing agreements with the United States Department of Veterans
2 Affairs and the Department of Defense to obtain timely information with regard to the
3 addresses and medical statuses of Kentucky's wounded or disabled veterans.

4 (d) Assessing the needs of wounded or disabled veterans with respect to benefits and services;

5 (e) Reviewing programs, research projects, and other initiatives that are designed to address
6 or meet the needs of Kentucky's wounded or disabled veterans;

7 (f) Incorporating wounded or disabled veterans' issues in strategic planning concerning
8 benefits and services;

9 (g) Monitoring and researching issues relating to wounded or disabled veterans and
10 disseminating information and opportunities throughout the Program's network;

11 (h) Providing guidance and direction to wounded or disabled veterans applying for grants,
12 benefits, or services via conferences, seminars, and training workshops with federal, state,
13 and private agencies;

14 (i) Promoting events and activities that recognize and honor wounded or disabled veterans;

15 (j) Providing facilities, as appropriate, in support of the Program through grants and other sources
16 of funding.

17 (3) Terms of Data-Sharing. With the consent of a wounded or disabled veteran, the Program's
18 coordinator, or his or her designee, may obtain personal information concerning wounded or
19 disabled veterans for the sole purpose of implementing the Program. Under the provisions of KRS
20 61.878, the information shall not be subject to public disclosure.

21 (4) Fundraising. If fundraising on behalf of the Wounded or Disabled Veterans Program, the
22 Kentucky Department of Veterans Affairs may accept a gift, donation, or grant from an individual,
23 a corporation, or a government entity.

This is to certify that the Executive Director of the Office of Kentucky Veteran Services and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).

Silas Session

Silas Session, Executive Director
Office of Kentucky Veteran Services
Kentucky Department of Veterans Affairs
General Government Cabinet

September 8, 2023

Date

Whitney P. Allen, Jr

Whitney Allen, Commissioner
Kentucky Department of Veterans Affairs
General Government Cabinet

11 September 2023

Date

T. Reid-McIntosh, Esq.

Tamara Reid-McIntosh, Esq., Executive Director & Counsel
Office of Veteran Legal Services
Kentucky Department of Veterans Affairs
General Government Cabinet

07 September 2023

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on Tuesday, November 28, 2023, at 1:00 p.m. Eastern Time at KDVA Headquarters Office, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through Thursday, November 30, 2023, at 11:59 p.m. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Juan Renaud, Deputy Commissioner, Office of the Commissioner, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5721; fax (502) 564.9240; email: juan.renaud@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

17 KAR 06:030

CONTACT PERSON: Juan Renaud, Deputy Commissioner

PHONE: (502) 782.5721

EMAIL: juan.renaud@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: KRS 40.350 charges the Kentucky Department of Veterans Affairs with administering a program to service the approximately twenty-seven percent (27%) or 75,000 veterans are receiving Compensation or Pension Disability Benefits from the U.S. Department of Veterans Affairs. Specifically, KRS 40.350 mandates that KDVA conduct outreach, advocacy, and education for Kentucky's disabled or wounded veterans.
- (b) The necessity of this administrative regulation: KRS 40.350 authorizes the Disabled or Wounded Veterans Program to receive funding from not only the General Assembly, but also other sources such as grants and donations. Proposed regulation 17 KAR 06:030 will afford this Veterans Program the administrative bandwidth to carry out the mandates outlined in KRS 40.350.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: Proposed regulation 17 KAR 06:030 conforms to the content of KRS 40.350 by focusing on conducting outreach, advocacy, and education for Kentucky's wounded and disabled veterans.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Proposed regulation 17 KAR 06:030 will assist in the effective administration of KRS 40.350 by detailing the means in which funds can be expended and affording a mechanism to determine how many of Kentucky's wounded or disabled veterans are reached by the initiatives focused on their specific circumstances.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This is a new regulation.

- (a) How the amendment will change this existing administrative regulation: Not Applicable.
- (b) The necessity of the amendment to this administrative regulation: Not Applicable.
- (c) How the amendment conforms to the content of the authorizing statutes: Not Applicable.
- (d) How the amendment will assist in the effective administration of the statutes: Not Applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 275,000 veterans in the Commonwealth. Wounded or disabled veterans account for approximately twenty-seven percent (27%) or 75,000 of Kentucky's veterans. Veterans affected by the proposed administrative change include:

- (a) veterans (including their legal representatives) who are seeking compensation and benefits from the U.S. Department of Veterans Affairs or from the Commonwealth of Kentucky.

- (b) any individual or other organization (such as a veteran service organization (VSO)) inquiring about benefits and services to Kentucky's wounded or disabled veterans.
 - (c) public and private organizations seeking to provide benefits or services to Kentucky's wounded or disabled veterans.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed above will not be required to perform compliance actions for this regulation.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Donors will be required to ensure their donations are properly addressed for deposit in the Wounded or Disabled Veterans Fund. There will be no costs to the benefiting entities derived from compliance with this regulation.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky's wounded or disabled veterans will benefit from proposed regulation 17 KAR 06:030 by receiving more opportunities for education, advocacy, and outreach as it relates to claims, benefits, and services available to Kentucky's wounded or disabled veterans.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There will be no costs to the administrative body either initially or on a continuing basis.
 - (b) On a continuing basis: There will be no costs to the administrative body either initially or on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation and enforcement funding is contained as part of KDVA's Wounded or Disabled Veterans Program budget.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no impact on fees or funding.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation will not establish or increase any fees.
- (9) TIERING: Is tiering applied? (Explain why or why not)
Pursuant to KRS 13A.210, tiering is used by administrative bodies to reduce disproportionate impacts on certain classes of regulated entities, including government or small business, or both, and to avoid regulating entities that do not contribute significantly to the problem the administrative regulation was

designed to address. In this instance, the new regulation is not expected to result in disproportionate impacts on certain classes of regulated entities. Therefore, tiering has not been applied.

FISCAL NOTE

17 KAR 06:020

CONTACT PERSON: Juan Renaud, Deputy Commissioner

PHONE: (502) 782.5721

EMAIL: juan.renaud@ky.gov

- (1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Department of Veterans Affairs (KDVA).
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. State statutes that require or authorize the action taken by the administrative regulation are KRS 40.540 and KRS 40.350.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Approximately \$5,000.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Not Applicable.
 - (c) How much will it cost to administer this program for the first year? The only costs for the first year are the costs of salaries to fill the positions necessary to run the Program.
 - (d) How much will it cost to administer this program for subsequent years? The only costs for subsequent years are the costs of salaries to fill the positions necessary to run the Program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Specific dollar estimates cannot be determined.

Expenditures (+/-): Approximately \$5,000.

Other Explanation: Although the Program's employee's salaries are funded by General Funds, KRS 40.350 (7)(a) and (7)(b) authorize the Program to "receive and expend moneys that may be appropriated by the General Assembly," as well as "other moneys received from any other source, including donations and grants." Authorization to receive other moneys results is speculative and makes it difficult to provide specific dollar amounts. The Program will promote wounded or disabled veterans activities, as the funds are received from General and Other Funds.

- (4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.
 - (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? Specific dollar estimates cannot be determined.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? Specific dollar estimates cannot be determined.

(c) How much will it cost the regulated entities for the first year? Not Applicable.

(d) How much will it cost the regulated entities for subsequent years? Not Applicable.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): Specific dollar estimates cannot be determined.

Expenditures (+/-): Specific dollar estimates cannot be determined.

Other Explanation: Although the Program's employees' salaries are funded by General Funds, KRS 40.350 (7)(a) and (7)(b) authorize the Program to "receive and expend moneys that may be appropriated by the General Assembly," as well as "other moneys received from any other source, including donations and grants." Authorization to receive other moneys results is speculative and makes it difficult to provide specific dollar amounts. The Program will promote women veterans activities, as the funds are received from General and Other Funds.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS13A.010(13)] Not Applicable.