

As Amended by Senate Committee

Session of 2024

HOUSE BILL No. 2760

By Committee on Veterans and Military

Requested by Rob Leicht on behalf of the Kansas Commission on Veterans Affairs
Office

2-8

1 AN ACT concerning veterans and military; relating to the transfer of
2 powers, duties and functions of the Kansas commission on veterans
3 affairs office; establishing the Kansas office of veterans services;
4 ***updating the veterans claims assistance program to include***
5 ***references to veterans affairs medical centers and cross-accreditation***
6 ***requirements***; amending K.S.A. 21-6630, 39-923, 65-1732, 65-2418,
7 73-209, 73-210, 73-230, 73-1209, 73-1210a, 73-1211, 73-1217, 73-
8 1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233, 73-
9 1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-
10 1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-
11 1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-
12 1935a, 76-1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-
13 1954, 76-1955, 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A.
14 2023 Supp. 32-934, 74-2012, 75-3740 and 77-440 and repealing the
15 existing sections; also repealing K.S.A. 73-1208d, 73-1208e and 73-
16 1208f.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 New Section 1. (a) The Kansas commission on veterans affairs office
20 and the office of the director of the Kansas commission on veterans affairs
21 office that were created by K.S.A. 73-1208e, and amendments thereto, are
22 hereby abolished.

23 (b) All powers, duties and functions of the Kansas commission on
24 veterans affairs office and the director of the Kansas commission on
25 veterans affairs office under K.S.A. 73-1208e and 73-1208f, and
26 amendments thereto, are hereby transferred and imposed upon the Kansas
27 office of veterans services and the director of the Kansas office of veterans
28 services.

29 (c) The Kansas commission on veterans affairs office, as established
30 by K.S.A. 73-1208e, and amendments thereto, is hereby renamed the
31 Kansas office of veterans services and the director of the Kansas
32 commission on veterans affairs is renamed the director of the Kansas
33 office of veterans services.

34 (d) Whenever the Kansas commission on veterans affairs office, or

1 words of like effect, are referred to or designated by a statute, contract or
2 other document, and such reference or designation is in regard to any
3 function, power or duty of the Kansas commission on veterans affairs
4 office, such reference or designation shall be deemed to apply to the
5 Kansas office of veterans services.

6 (e) Whenever the director of the Kansas commission on veterans
7 affairs office, or words of like effect, are referred to or designated by a
8 statute, contract or other document, and such reference or designation is in
9 regard to any function, power or duty of the director of the Kansas
10 commission on veterans affairs office, such reference or designation shall
11 be deemed to apply to the director of the Kansas office of veterans
12 services.

13 (f) All rules and regulations, orders and directives of the director of
14 Kansas commission on veterans affairs office that are in effect on the
15 effective date of this act shall continue to be effective and shall be deemed
16 to be rules and regulations, orders and directives of the director of the
17 Kansas office of veterans services until amended, revoked or nullified
18 pursuant to law.

19 New Sec. 2. (a) There is hereby established within the executive
20 branch of government the Kansas office of veterans services, which shall
21 be administered under the direction and supervision of the director of the
22 Kansas office of veterans services. The director of the Kansas office of
23 veterans services, who shall be a veteran, shall be appointed by the
24 governor, subject to confirmation by the senate as provided in K.S.A. 75-
25 4315b, and amendments thereto. Except as provided by K.S.A. 46-2601,
26 and amendments thereto, no person appointed as the director of the Kansas
27 office of veterans services shall exercise any power, duty or function as
28 director until confirmed by the senate. Except as otherwise provided by
29 this section, the director of the Kansas office of veterans services shall be
30 in the unclassified service under the Kansas civil service act, shall serve at
31 the pleasure of the governor and shall receive an annual salary fixed by the
32 governor.

33 (b) All budgeting, purchasing and related management functions of
34 the Kansas office of veterans services, shall be administered under the
35 direction and supervision of the director of the Kansas office of veterans
36 services.

37 (c) All vouchers for expenditures from appropriations to or for the
38 Kansas office of veterans services shall be approved by the director of the
39 Kansas office of veterans services or a person or persons designated by the
40 director for such purpose.

41 (d) The provisions of the Kansas governmental operations
42 accountability law apply to the Kansas office of veterans services, and the
43 office is subject to audit, review and evaluation under such law.

1 New Sec. 3. The Kansas office of veterans services shall be
2 responsible for carrying out the general policies of the governor and the
3 director of the Kansas office of veterans services by:

4 (a) Affording and furnishing to veterans, and relatives and dependents
5 of such veterans, information, advice, direction and assistance through the
6 coordination of programs and services in the fields of education, health,
7 vocational guidance and placement, mental care and economic security;
8 and

9 (b) managing, operating and controlling the Kansas soldiers' home
10 and the Kansas veterans' home.

11 Sec. 4. K.S.A. 21-6630 is hereby amended to read as follows: 21-
12 6630. (a) Upon motion of the defendant at the time of conviction or prior
13 to sentencing, a defendant convicted of a criminal offense may assert that
14 such defendant committed such offense as a result of an injury, including
15 major depressive disorder, polytrauma, post-traumatic stress disorder or
16 traumatic brain injury, connected to service in a combat zone in the armed
17 forces of the United States of America. The court shall hold a hearing to
18 determine whether the defendant:

19 (1) Has served in the armed forces of the United States of America in
20 a combat zone, as defined in section 112 of the federal internal revenue
21 code of 1986. Proof of such service shall consist of a certification by the
22 ~~executive~~ director of the Kansas ~~commission on veterans affairs~~ *office of*
23 *veterans services* in accordance with K.S.A. 73-1209, and amendments
24 thereto;

25 (2) suffers from injury; and

26 (3) such injury was connected to service in a combat zone in the
27 armed forces of the United States of America.

28 (b) (1) Except as provided in subsection (b)(2), if the court
29 determines that such defendant meets the criteria provided in subsection
30 (a) and such defendant's current crime of conviction and criminal history
31 fall within a presumptive nonprison category under the sentencing
32 guidelines, the court may order such defendant to undergo inpatient or
33 outpatient treatment from any treatment facility or program operated by
34 the United States department of defense, the United States department of
35 veterans affairs or the Kansas national guard, if the defendant is eligible
36 for and consents to such treatment.

37 (2) If the court determines that such defendant meets the criteria
38 provided in subsection (a), such defendant is ineligible for treatment
39 pursuant to subsection (b)(1) and such defendant meets the requirements
40 established in K.S.A. 21-6824, and amendments thereto, the provisions of
41 K.S.A. 21-6824, and amendments thereto, shall apply.

42 (c) Nothing in this section shall be construed to limit the court's
43 authority to:

1 (1) Order any other sanction pursuant to K.S.A. 21-6602 or 21-6604,
2 and amendments thereto;

3 (2) order a mental examination pursuant to K.S.A. 22-3429, and
4 amendments thereto;

5 (3) order commitment pursuant to K.S.A. 22-3430 et seq., and
6 amendments thereto; or

7 (4) determine that a person is a mentally ill person subject to
8 involuntary commitment for care and treatment as defined in K.S.A. 59-
9 2946, and amendments thereto.

10 (d) As used in this section:

11 (1) "Major depressive disorder" and "post-traumatic stress disorder"
12 mean the same as such terms are defined in the diagnostic and statistical
13 manual of mental disorders, fifth edition (DSM-5, 2013), of the American
14 psychiatric association and that occurred as a result of events during the
15 defendant's service in one or more combat zones.

16 (2) "Polytrauma" means injury to multiple body parts and organ
17 systems that occurred as a result of events during the defendant's service in
18 one or more combat zones.

19 (3) "Traumatic brain injury" means injury to the brain caused by
20 physical trauma that occurred as a result of events during the defendant's
21 service in one or more combat zones.

22 (e) This section shall be a part of and supplemental to the Kansas
23 criminal code.

24 Sec. 5. K.S.A. 2023 Supp. 32-934 is hereby amended to read as
25 follows: 32-934. (a) Subject to the provisions of K.S.A. 32-920, and
26 amendments thereto, the secretary of wildlife and parks or the secretary's
27 designee shall issue, free of charge, a permanent license to hunt and fish to
28 any person residing in the state who submits to the secretary satisfactory
29 proof that the person is a disabled veteran. Any such person hunting or
30 fishing in this state shall be subject to the provisions of all rules and
31 regulations relating to hunting or fishing.

32 (b) As used in this section, "disabled veteran" means a person who:

33 (1) Was a member of the armed services;

34 (2) has separated from the armed services under honorable
35 conditions; and

36 (3) has a disability certified by the ~~Kansas commission on veterans~~
37 ~~affairs~~ office of *veterans services* as being service-connected and such
38 service-connected disability is equal or greater than 30%.

39 Sec. 6. K.S.A. 39-923 is hereby amended to read as follows: 39-923.

40 (a) As used in this act:

41 (1) "Adult care home" means any nursing facility, nursing facility for
42 mental health, intermediate care facility for people with intellectual
43 disability, assisted living facility, residential healthcare facility, home plus,

1 boarding care home and adult day care facility; all of which are
2 classifications of adult care homes and are required to be licensed by the
3 secretary for aging and disability services.

4 (2) "Nursing facility" means any place or facility operating 24 hours a
5 day, seven days a week, caring for six or more individuals not related
6 within the third degree of relationship to the administrator or owner by
7 blood or marriage and who, due to functional impairments, need skilled
8 nursing care to compensate for activities of daily living limitations.

9 (3) "Nursing facility for mental health" means any place or facility
10 operating 24 hours a day, seven days a week, caring for six or more
11 individuals not related within the third degree of relationship to the
12 administrator or owner by blood or marriage and who, due to functional
13 impairments, need skilled nursing care and special mental health services
14 to compensate for activities of daily living limitations.

15 (4) "Intermediate care facility for people with intellectual disability"
16 means any place or facility operating 24 hours a day, seven days a week,
17 caring for four or more individuals not related within the third degree of
18 relationship to the administrator or owner by blood or marriage and who,
19 due to functional impairments caused by intellectual disability or related
20 conditions, need services to compensate for activities of daily living
21 limitations.

22 (5) "Assisted living facility" means any place or facility caring for six
23 or more individuals not related within the third degree of relationship to
24 the administrator, operator or owner by blood or marriage and who, by
25 choice or due to functional impairments, may need personal care and may
26 need supervised nursing care to compensate for activities of daily living
27 limitations and in which the place or facility includes apartments for
28 residents and provides or coordinates a range of services including
29 personal care or supervised nursing care available 24 hours a day, seven
30 days a week, for the support of resident independence. The provision of
31 skilled nursing procedures to a resident in an assisted living facility is not
32 prohibited by this act. Generally, the skilled services provided in an
33 assisted living facility shall be provided on an intermittent or limited term
34 basis, or if limited in scope, a regular basis.

35 (6) "Residential healthcare facility" means any place or facility, or a
36 contiguous portion of a place or facility, caring for six or more individuals
37 not related within the third degree of relationship to the administrator,
38 operator or owner by blood or marriage and who, by choice or due to
39 functional impairments, may need personal care and may need supervised
40 nursing care to compensate for activities of daily living limitations and in
41 which the place or facility includes individual living units and provides or
42 coordinates personal care or supervised nursing care available on a 24-
43 hour, seven-days-a-week basis for the support of resident independence.

1 The provision of skilled nursing procedures to a resident in a residential
2 healthcare facility is not prohibited by this act. Generally, the skilled
3 services provided in a residential healthcare facility shall be provided on
4 an intermittent or limited term basis, or if limited in scope, a regular basis.

5 (7) "Home plus" means any residence or facility caring for not more
6 than 12 individuals not related within the third degree of relationship to the
7 operator or owner by blood or marriage unless the resident in need of care
8 is approved for placement by the secretary for children and families, and
9 who, due to functional impairment, needs personal care and may need
10 supervised nursing care to compensate for activities of daily living
11 limitations. The level of care provided to residents shall be determined by
12 preparation of the staff and rules and regulations developed by the Kansas
13 department for aging and disability services. An adult care home may
14 convert a portion of one wing of the facility to a not less than five-bed and
15 not more than 12-bed home plus facility provided that the home plus
16 facility remains separate from the adult care home, and each facility must
17 remain contiguous. Any home plus that provides care for more than eight
18 individuals after the effective date of this act shall adjust staffing personnel
19 and resources as necessary to meet residents' needs in order to maintain the
20 current level of nursing care standards. Personnel of any home plus who
21 provide services for residents with dementia shall be required to take
22 annual dementia care training.

23 (8) "Boarding care home" means any place or facility operating 24
24 hours a day, seven days a week, caring for not more than 10 individuals
25 not related within the third degree of relationship to the operator or owner
26 by blood or marriage and who, due to functional impairment, need
27 supervision of activities of daily living but who are ambulatory and
28 essentially capable of managing their own care and affairs.

29 (9) "Adult day care" means any place or facility operating less than
30 24 hours a day caring for individuals not related within the third degree of
31 relationship to the operator or owner by blood or marriage and who, due to
32 functional impairment, need supervision of or assistance with activities of
33 daily living.

34 (10) "Place or facility" means a building or any one or more complete
35 floors of a building, or any one or more complete wings of a building, or
36 any one or more complete wings and one or more complete floors of a
37 building, and the term "place or facility" may include multiple buildings.

38 (11) "Skilled nursing care" means services performed by or under the
39 immediate supervision of a registered professional nurse and additional
40 licensed nursing personnel. Skilled nursing includes administration of
41 medications and treatments as prescribed by a licensed physician or
42 dentist; and other nursing functions that require substantial nursing
43 judgment and skill based on the knowledge and application of scientific

1 principles.

2 (12) "Supervised nursing care" means services provided by or under
3 the guidance of a licensed nurse with initial direction for nursing
4 procedures and periodic inspection of the actual act of accomplishing the
5 procedures; administration of medications and treatments as prescribed by
6 a licensed physician or dentist and assistance of residents with the
7 performance of activities of daily living.

8 (13) "Resident" means all individuals kept, cared for, treated, boarded
9 or otherwise accommodated in any adult care home.

10 (14) "Person" means any individual, firm, partnership, corporation,
11 company, association or joint-stock association, and the legal successor
12 thereof.

13 (15) "Operate an adult care home" means to own, lease, sublease,
14 establish, maintain, conduct the affairs of or manage an adult care home,
15 except that for the purposes of this definition the word "own" and the word
16 "lease" shall not include hospital districts, cities and counties that hold title
17 to an adult care home purchased or constructed through the sale of bonds.

18 (16) "Licensing agency" means the secretary for aging and disability
19 services.

20 (17) "Skilled nursing home" means a nursing facility.

21 (18) "Intermediate nursing care home" means a nursing facility.

22 (19) "Apartment" means a private unit that includes, but is not limited
23 to, a toilet room with bathing facilities, a kitchen, sleeping, living and
24 storage area and a lockable door.

25 (20) "Individual living unit" means a private unit that includes, but is
26 not limited to, a toilet room with bathing facilities, sleeping, living and
27 storage area and a lockable door.

28 (21) "Operator" means an individual registered pursuant to the
29 operator registration act, K.S.A. 39-973 et seq., and amendments thereto,
30 who may be appointed by a licensee to have the authority and
31 responsibility to oversee an assisted living facility or residential healthcare
32 facility with fewer than 61 residents, a home plus or adult day care facility.

33 (22) "Activities of daily living" means those personal, functional
34 activities required by an individual for continued well-being, including,
35 but not limited to, eating, nutrition, dressing, personal hygiene, mobility
36 and toileting.

37 (23) "Personal care" means care provided by staff to assist an
38 individual with, or to perform activities of daily living.

39 (24) "Functional impairment" means an individual has experienced a
40 decline in physical, mental and psychosocial well-being and as a result, is
41 unable to compensate for the effects of the decline.

42 (25) "Kitchen" means a food preparation area that includes a sink,
43 refrigerator and a microwave oven or stove.

1 (26) ~~The term~~ "Intermediate personal care home" for purposes of
2 those individuals applying for or receiving veterans' benefits means
3 residential healthcare facility.

4 (27) "Paid nutrition assistant" means an individual who is paid to feed
5 residents of an adult care home, or who is used under an arrangement with
6 another agency or organization, who is trained by a person meeting nurse
7 aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42
8 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such
9 assistance under the supervision of a registered professional or licensed
10 practical nurse.

11 (28) "Medicaid program" means the Kansas program of medical
12 assistance for which federal or state moneys, or any combination thereof,
13 are expended, or any successor federal or state, or both, health insurance
14 program or waiver granted thereunder.

15 (29) "Licensee" means any person or persons acting jointly or
16 severally who are licensed by the secretary for aging and disability
17 services pursuant to the adult care home licensure act, K.S.A. 39-923 et
18 seq., and amendments thereto.

19 (30) "Insolvent" means that the adult care home, or any individual or
20 entity that operates an adult care home or appears on the adult care home
21 license, has stopped paying debts in the ordinary course of business or is
22 unable to pay debts as they come due in the ordinary course of business.

23 (b) ~~The term~~ "Adult care home" does not include institutions operated
24 by federal or state governments, except institutions operated by the
25 director of the ~~Kansas commission on veterans affairs~~ *office of veterans*
26 *services*, hospitals or institutions for the treatment and care of psychiatric
27 patients, child care facilities, maternity centers, hotels, offices of
28 physicians or hospices that are certified to participate in the medicare
29 program under 42 C.F.R. § 418.1 et seq., and that provide services only to
30 hospice patients, or centers approved by the centers for medicare and
31 medicaid services as a program for all-inclusive care for the elderly
32 (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE
33 participants.

34 (c) Nursing facilities in existence on the effective date of this act
35 changing licensure categories to become residential healthcare facilities
36 shall be required to provide private bathing facilities in a minimum of 20%
37 of the individual living units.

38 (d) Facilities licensed under the adult care home licensure act on the
39 day immediately preceding the effective date of this act shall continue to
40 be licensed facilities until the annual renewal date of such license and may
41 renew such license in the appropriate licensure category under the adult
42 care home licensure act subject to the payment of fees and other conditions
43 and limitations of such act.

1 (e) Nursing facilities with less than 60 beds converting a portion of
2 the facility to residential healthcare shall have the option of licensing for
3 residential healthcare for less than six individuals but not less than 10% of
4 the total bed count within a contiguous portion of the facility.

5 (f) The licensing agency may by rule and regulation change the name
6 of the different classes of homes when necessary to avoid confusion in
7 terminology and the agency may further amend, substitute, change and in a
8 manner consistent with the definitions established in this section, further
9 define and identify the specific acts and services that shall fall within the
10 respective categories of facilities so long as the above categories for adult
11 care homes are used as guidelines to define and identify the specific acts.

12 Sec. 7. K.S.A. 65-1732 is hereby amended to read as follows: 65-
13 1732. (a) A funeral establishment, branch establishment or crematory
14 which has possession of the cremated remains of a dead human body may
15 dispose of the cremated remains, if:

16 (1) Such cremated remains have not been claimed for at least 90 days
17 from the time of cremation;

18 (2) the funeral establishment, branch establishment or crematory has
19 sent a notice by certified mail, return receipt requested, to the last known
20 address of the authorizing agent as defined under K.S.A. 65-1760, and
21 amendments thereto. Such notice shall state that such remains will be
22 disposed of in accordance with the provisions of this section unless
23 claimed within 30 days of the date such notice is sent; and

24 (3) the funeral establishment, branch establishment or crematory has
25 not received any claim on the cremated remains for at least 30 days from
26 the date that such notice was sent.

27 (b) Such disposal under subsection (a) shall include burial by placing
28 the remains in a church or cemetery plot, scatter garden, pond; or
29 columbarium; relinquishing possession of the cremated remains of
30 veterans to the director of the Kansas commission of veterans affairs
31 office, or the director's designee, or a national cemetery in accordance with
32 the provisions of subsection (c); or otherwise disposing of the remains as
33 provided by rule and regulation of the board of mortuary arts. Disposition
34 may include the commingling of the cremated remains with other
35 cremated remains and thus the cremated remains would not be
36 recoverable.

37 (c) (1) A funeral establishment, branch establishment or crematory
38 which has held in its possession cremated remains for more than 90 days
39 from the date of cremation and has provided notice pursuant to subsection
40 (a) and the cremated remains remain unclaimed may, in accordance with
41 the provisions of this section, determine if such cremated remains are
42 those of a veteran, and if so, may dispose of such remains as provided in
43 this section.

1 (2) Notwithstanding any law or rules and regulations to the contrary,
2 nothing in this section shall prevent a funeral establishment, branch
3 establishment or crematory from sharing information with the United
4 States department of veterans affairs or the Kansas ~~commission on~~
5 ~~veterans affairs~~ office of *veterans services* for the purpose of determining
6 whether the cremated remains are those of a veteran. A funeral
7 establishment, branch establishment, crematory, funeral director, assistant
8 funeral director or crematory operator shall be discharged from any legal
9 obligations or liability with regard to the releasing or sharing of
10 information with such entities.

11 (3) Should a funeral establishment, branch establishment or
12 crematory ascertain the cremated remains in its possession are those of a
13 veteran and they are unclaimed cremated remains to be disposed of
14 pursuant to provisions of subsection (a), the funeral establishment, branch
15 establishment or crematory may relinquish possession of the cremated
16 remains to the director of the Kansas ~~commission on veterans affairs~~
17 *of veterans services*, or the director's designee, or a national cemetery for
18 disposition. Disposition shall be by placement of cremated remains in a
19 tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery
20 but shall not include the scattering of cremated remains.

21 (d) Nothing in this section shall require a funeral establishment,
22 branch establishment or crematory to determine or seek others to
23 determine that an individual's cremated remains are those of a veteran if
24 the funeral establishment, branch establishment or crematory was
25 informed by the person in control of the disposition that *such individual*:

26 (1) ~~Such individual~~ Was not a veteran; or

27 (2) ~~such individual~~ did not desire any funeral or burial-related
28 services or ceremonies recognizing service as a veteran.

29 (e) The funeral establishment, branch establishment, crematory,
30 funeral director, assistant funeral director or crematory operator, upon
31 disposing of cremated remains in accordance with the provisions of this
32 section, shall be held harmless for any costs or damages, except if there is
33 gross negligence or willful misconduct, and shall be discharged from any
34 legal obligation or liability concerning the cremated remains.

35 Sec. 8. K.S.A. 65-2418 is hereby amended to read as follows: 65-
36 2418. (a) (1) The secretary shall fix and charge by rules and regulations the
37 fees to be paid for certified copies or abstracts of certificates or for search
38 of the files for birth, death, fetal death, marriage or divorce records when
39 no certified copy or abstract is made. Except as otherwise provided in this
40 section, the secretary shall remit all moneys received by or for the
41 secretary from fees, charges or penalties, under the uniform vital statistics
42 act, and amendments thereto, to the state treasurer in accordance with the
43 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

1 each such remittance, the state treasurer shall deposit the entire amount in
2 the state treasury to the credit of the civil registration and health statistics
3 fee fund created by K.S.A. 65-2418e, and amendments thereto.

4 (2) The secretary shall not charge any fee for a certified copy of a
5 certificate or abstract or for a search of the files or records if the certificate,
6 abstract or search is requested by a person who exhibits correspondence
7 from the United States department of veterans affairs or the Kansas
8 ~~commission on veterans affairs office~~ *which office of veterans services*
9 *that* indicates that the person is applying for benefits from the United
10 States department of veterans affairs and that such person needs the
11 requested information to obtain such benefits, except that, for a second or
12 subsequent certified copy of a certificate, abstract or search of the files
13 requested by the person, the usual fee shall be charged. The secretary may
14 provide by rules and regulations for exemptions from such fees.

15 (3) The secretary shall not charge or accept any fee for a certified
16 copy of a birth certificate if the certificate is requested by any person who
17 is 17 years of age or older for purposes of voting if the applicant lacks the
18 identification required by K.S.A. 25-2908(h), and amendments thereto, or
19 to meet the voter registration requirements of K.S.A. 25-2309, and
20 amendments thereto. For voter registration purposes, an applicant for
21 registration shall swear under oath: (1) That such person plans to register
22 to vote in Kansas; and (2) that such person does not possess any of the
23 documents that constitute evidence of United States citizenship under
24 K.S.A. 25-2309(l), and amendments thereto. The affidavit shall
25 specifically list the documents that constitute evidence of United States
26 citizenship under K.S.A. 25-2309(l), and amendments thereto. The
27 secretary shall adopt rules and regulations in order to implement the
28 provisions of this subsection.

29 (4) Upon receipt of any such remittance of a fee for a certified copy
30 of a birth certificate or abstract, \$3 of each such fee for the first copy of a
31 birth certificate or abstract and \$1 of each such fee for each additional
32 copy of the same birth certificate or abstract requested at the same time
33 shall be remitted to the state treasurer in accordance with the provisions of
34 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
35 remittance, the state treasurer shall deposit the entire amount in the state
36 treasury to the credit of the permanent families account of the family and
37 children investment fund created by K.S.A. 38-1808, and amendments
38 thereto. The balance of the money received for a fee for a certified copy of
39 a birth certificate or abstract shall be remitted to the state treasurer in
40 accordance with the provisions of K.S.A. 75-4215, and amendments
41 thereto. Upon receipt of each such remittance, the state treasurer shall
42 deposit the entire amount in the state treasury to the credit of the civil
43 registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 9. K.S.A. 73-209 is hereby amended to read as follows: 73-209.

(a) On submission to the adjutant general of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, or of a copy of such discharge or official record of military service certified to by a city, county or state official as being a true copy of original document, the adjutant general shall place such record on file in the adjutant general's office. If original documents are submitted, the adjutant general shall cause true copies of such original documents to be made and shall file the copies in the adjutant general's office and the originals shall be returned to the person who submitted them.

(b) Upon request of a soldier, sailor or marine whose records of military service have been filed in the adjutant general's office, the adjutant general shall cause to be furnished a certificate of military service in accordance with such records. The adjutant general shall not charge any fee for the certificate if the certificate is requested by a person who exhibits correspondence from the United States veterans administration or ~~the Kansas commission on veterans affairs office which~~ *office of veterans services that* indicates that ~~the~~ *such* person is applying for benefits from the United States veterans administration and that such person needs the certificate to obtain such benefits.

(c) The adjutant general shall transfer to the state archives of the Kansas state historical society for permanent retention any records of

1 military service on file in the adjutant general's office, in accordance with
2 the records retention and disposition schedule for such records approved
3 by the state records board.

4 Sec. 10. K.S.A. 73-210 is hereby amended to read as follows: 73-210.

5 (a) No city, county or state official shall charge a fee for certifying to the
6 correctness of a true copy of an original discharge or other official record
7 of military service of any soldier, sailor or marine of the United States,
8 except that:

9 ~~(a)(1)~~ The adjutant general may charge a fee unless the copy is
10 requested by a person who exhibits correspondence from the United States
11 veterans administration or the Kansas ~~commission on veterans affairs~~
12 ~~office which~~ *office of veterans services* that indicates that ~~the~~ *such* person
13 is applying for benefits from the United States veterans administration and
14 that such person needs the copy to obtain such benefits; and

15 ~~(b)(2)~~ a register of deeds of a county may charge a fee for copies in
16 excess of the number provided for by K.S.A. 73-210a, and amendments
17 thereto.

18 Sec. 11. K.S.A. 73-230 is hereby amended to read as follows: 73-230.

19 (a) In awarding any contract for the performance of any job or service for
20 which moneys appropriated are to be expended, the secretary of
21 administration, or the secretary's designee, shall give a preference to
22 disabled veteran businesses doing business as Kansas firms, corporations
23 or individuals, or which maintain Kansas offices or places of business and
24 shall have the goal of awarding at least 3% of all such contracts to disabled
25 veteran businesses.

26 ~~(b) On or before October 1, 2015, the secretary of administration~~
27 ~~shall file with the Kansas commission on veterans affairs a report of the~~
28 ~~number of contracts awarded to disabled veteran businesses during the~~
29 ~~fiscal year ending June 30, 2015, and the number of such businesses that~~
30 ~~responded to solicitations of bids or proposals issued by the department of~~
31 ~~administration during such fiscal year.~~

32 ~~(c)~~ *(b)* As used in this section:

33 (1) "Disabled veteran" means a person who has served in the armed
34 forces of the United States and who is entitled to compensation for a
35 service-connected disability, according to the laws administered by the
36 veterans administration, or who is entitled to compensation for the loss, or
37 permanent loss of use, of one or both feet or one or both hands, or for
38 permanent visual impairment of both eyes to a prescribed degree.

39 (2) "Disabled veteran business" means a business: (A) Not less than
40 51% of which is owned by one or more disabled veterans or, in the case of
41 a publicly owned business, not less than 51% of the stock of which is
42 owned by one or more disabled veterans; and (B) the management and
43 daily business operations of which are controlled by one or more disabled

1 veterans.

2 Sec. 12. K.S.A. 73-1209 is hereby amended to read as follows: 73-
3 1209. The director of the ~~Kansas commission on veterans affairs~~ office of
4 *veterans services*, in accordance with general policies directed by the
5 governor, shall:

6 (a) Collect data and information as to the facilities, benefits and
7 services now or hereafter available to veterans, and relatives and
8 dependents of such veterans, and furnish such information to veterans, and
9 relatives and dependents of such veterans, and local service officers of
10 veterans' organizations.

11 (b) Prepare plans for a comprehensive statewide veterans' service
12 program.

13 (c) Coordinate the program of state agencies which may properly be
14 utilized in the administration of various aspects of the problems of
15 veterans, and relatives and dependents of veterans, such as the Kansas
16 department for children and families, the department of labor, the state
17 board of education, the board of regents and any other state office,
18 department or board furnishing service to veterans or relatives or
19 dependents of such veterans.

20 (d) Provide a central contact between federal and state agencies
21 dealing with the problems of veterans and relatives and dependents of such
22 veterans.

23 (e) Maintain records of cases handled by the director which shall
24 show at least the following information: (1) The name of the veteran; (2)
25 the claim or case number of the veteran; and (3) the amount of monthly
26 benefit received by the veteran, so as to facilitate the necessary
27 interchange of case histories among state administrative agencies and
28 provide a clearinghouse of information.

29 (f) Provide such services to veterans and relatives and dependents of
30 such veterans as are not otherwise offered by federal agencies.

31 (g) Provide a central agency to which veterans, and relatives and
32 dependents of such veterans, may turn for information and assistance.

33 (h) Provide and maintain such field services as shall be necessary to
34 properly care for the needs of veterans, and relatives and dependents of
35 such veterans, which shall not be operated in connection with the Kansas
36 department for children and families.

37 (i) Provide certification of service of a veteran of the armed forces of
38 the United States of America in a combat zone to any sentencing judge
39 requesting such certification pursuant to K.S.A. 21-6630, and amendments
40 thereto.

41 (j) Adopt, amend or revoke any rules and regulations necessary to
42 carry out the provisions of article 12 of chapter 73 and article 19 of chapter
43 76 of the Kansas Statutes Annotated, and amendments thereto.

1 (k) Appoint and oversee the superintendents of the Kansas soldiers'
2 home and Kansas veterans' home.

3 (l) Designate persons who shall be in charge of the member funds at
4 the Kansas soldiers' home under K.S.A. 76-1935, and amendments thereto,
5 and the Kansas veterans' home under K.S.A. 76-1956, and amendments
6 thereto.

7 (m) Appoint and oversee the deputy director of veterans services
8 pursuant to K.S.A. 73-1234, and amendments thereto.

9 (n) (1) Annually prepare and submit a written report to the house
10 committee on veterans, military and homeland security and to the
11 governor, providing the following:

12 (A) Any progress made by the Kansas ~~commission on veterans affairs~~
13 office *of veterans services* and its director in response to any
14 recommendations provided to such office in the preceding fiscal year by
15 the legislative division of post audit;

16 (B) information on the current financial control practices
17 implemented by the Kansas ~~commission on veterans affairs~~ office *of*
18 *veterans services* for the Kansas soldiers' home and the Kansas veterans'
19 home, including, but not limited to, the current policies and procedures at
20 both facilities;

21 (C) information on the current residential care services provided for
22 veterans in the Kansas soldiers' home and the Kansas veterans' home;

23 (D) recommendations for legislation necessary to ensure that the
24 needs of the veterans in Kansas are met; and

25 (E) any other information deemed necessary.

26 (2) The director of the Kansas ~~commission on veterans affairs~~ office
27 *of veterans services* shall submit the report on or before the first day of the
28 legislative session in 2015, and each year thereafter.

29 Sec. 13. K.S.A. 73-1210a is hereby amended to read as follows: 73-
30 1210a. (a) Except as otherwise provided by law, and subject to the Kansas
31 civil service act, the director of the Kansas ~~commission on veterans affairs~~
32 office *of veterans services* shall appoint:

33 (1) Subordinate officers and employees, subject to the approval of the
34 governor, as are necessary to enable the director to exercise or perform the
35 functions, powers and duties pursuant to the provisions of article 12 of
36 chapter 73 of the Kansas Statutes Annotated, and amendments thereto;

37 (2) the superintendent of the Kansas soldiers' home;

38 (3) the superintendent of the Kansas veterans' home; and

39 (4) the deputy director of veterans services pursuant to K.S.A. 73-
40 1234, and amendments thereto.

41 (b) Upon the commencement of the interview process, every
42 candidate for a position in the Kansas ~~commission on veterans affairs~~
43 office *of veterans services* that interviews claimants and provides

1 information advice and counseling to veterans, surviving spouses, their
2 dependents concerning compensation, pension, education, vocational
3 rehabilitation, insurance, hospitalization, outpatient care, home loans,
4 housing, tax exemptions, burial benefits and other benefits to which they
5 may be entitled, or any other sensitive position, as determined by the
6 director shall be given a written notice that a criminal history records
7 check is required. The director of the Kansas ~~commission on veterans~~
8 ~~affairs~~ office of veterans services shall require such candidates to be
9 fingerprinted and submit to a state and national criminal history record
10 check. The fingerprints shall be used to identify the candidate and to
11 determine whether the candidate has a record of criminal history in this
12 state or another jurisdiction. The director of the Kansas ~~commission on~~
13 ~~veterans affairs~~ office of veterans services shall submit the fingerprints to
14 the Kansas bureau of investigation and the federal bureau of investigation
15 for a state and national criminal history record check. Local and state law
16 enforcement officers and agencies shall assist the director of the Kansas
17 ~~commission on veterans affairs~~ office of veterans services in taking and
18 processing of fingerprints of candidates. If the criminal history record
19 information reveals any conviction of crimes of dishonesty or violence,
20 such conviction may be used to disqualify a candidate for any position
21 within the director of the Kansas ~~commission on veterans affairs~~ office of
22 veterans services. If the criminal history record information is used to
23 disqualify a candidate, the candidate shall be informed in writing of that
24 decision.

25 (c) Persons employed by the Kansas soldiers' home and Kansas
26 veterans' home shall be excluded from the provisions of subsection (b). No
27 person who has been employed by the director of the Kansas ~~commission~~
28 ~~on veterans affairs~~ office of veterans services for five consecutive years
29 immediately prior to the effective date of this act shall be subject to the
30 provisions of subsection (b) while employed by the director of the Kansas
31 ~~commission on veterans affairs~~ office of veterans services.

32 (d) (1) Except as otherwise provided by law, and subject to the
33 Kansas civil service act, the director of the Kansas ~~commission on~~
34 ~~veterans affairs~~ office of veterans services shall appoint subordinate
35 officers and employees, a superintendent of the Kansas soldiers' home and
36 a superintendent of the Kansas veterans' home, as shall be necessary to
37 enable the director of the Kansas ~~commission on veterans affairs~~ office of
38 veterans services to exercise or perform its functions, powers and duties
39 pursuant to the provisions of article 19 of chapter 76 of the Kansas Statutes
40 Annotated, and amendments thereto.

41 (2) (A) All subordinate officers and employees shall be within the
42 classified service under the Kansas civil service act, shall perform such
43 duties and exercise such powers as the director of the Kansas ~~commission~~

1 ~~on veterans affairs~~ office *of veterans services* may prescribe and such
2 duties and powers as are designated by law, and shall act for and exercise
3 the powers of the the director of the Kansas ~~commission on veterans~~
4 ~~affairs~~ office *of veterans services*.

5 (B) The superintendent of the Kansas soldiers' home shall be in the
6 unclassified service under the Kansas civil service act and shall receive an
7 annual salary fixed by the director of the Kansas ~~commission on veterans~~
8 ~~affairs~~ office *of veterans services*, with the approval of the governor. The
9 superintendent of the Kansas soldiers' home shall perform such duties and
10 exercise such powers as the director may prescribe, and such duties and
11 powers as are prescribed by law.

12 (C) The superintendent of the Kansas veterans' home shall be in the
13 unclassified service under the Kansas civil service act and shall receive an
14 annual salary fixed by the director of the Kansas ~~commission on veterans~~
15 ~~affairs~~ office *of veterans services*, with the approval of the governor. The
16 superintendent of the Kansas veterans' home shall perform such duties and
17 exercise such powers as the director may prescribe, and such duties and
18 powers as are prescribed by law.

19 (e) Any veterans service representative appointed by the director of
20 the Kansas ~~commission on veterans affairs~~ office *of veterans services* shall
21 be an honorably discharged veteran or retired from the United States
22 armed forces. No veterans service representative of the Kansas
23 ~~commission on veterans affairs~~ office *of veterans services* shall take a
24 power of attorney in the name of the director of the Kansas ~~commission on~~
25 ~~veterans affairs~~ office *of veterans services*. Nothing in this act shall be
26 construed to prohibit any such veterans service representative from
27 assisting any veteran with any claim in which a power of attorney is not
28 required.

29 For the purpose of this subsection, "veterans service representative"
30 means any officer or employee appointed pursuant to this section whose
31 primary duties include:

32 (1) Assisting veterans and their dependents in securing benefits from
33 the federal government and the state of Kansas.

34 (2) Providing information and assistance to veterans and dependents
35 in obtaining special services and benefits based on knowledge of federal
36 and state laws, policies and regulations pertaining to veterans benefits and
37 services.

38 (3) Providing assistance to veterans service organizations
39 participating in the veterans claims assistance program.

40 ~~(f) Nothing in this act shall be construed to affect the status, rights or~~
41 ~~benefits of any officer or employee of the Kansas commission on veterans~~
42 ~~affairs under K.S.A. 73-1208a, prior to its repeal, employed by such~~
43 ~~commission on July 1, 2014.~~

1 Sec. 14. K.S.A. 73-1211 is hereby amended to read as follows: 73-
2 1211. All claims filed with the federal veterans' administration by the
3 director of the Kansas ~~commission on veterans affairs~~ office of veterans
4 services shall be prosecuted by an accredited representative of one of the
5 participating veterans' organizations. No employee of any veterans'
6 organization shall participate in or receive any funds hereinafter
7 appropriated or made available to the director of the Kansas ~~commission~~
8 ~~on veterans affairs~~ office of veterans services unless such employing
9 veterans' organization shall prosecute any and all claims to the federal
10 veterans' administration that are referred to them or their employees by the
11 director of the Kansas ~~commission on veterans affairs~~ office of veterans
12 services.

13 Sec. 15. K.S.A. 73-1217 is hereby amended to read as follows: 73-
14 1217. The board of trustees of every community college, the board of
15 regents of Washburn university of Topeka, the governing board of every
16 technical college and the governing body of every other institution of post-
17 high school education which is supported by any state moneys shall
18 provide for enrollment without charge of tuition or fees for any dependent
19 of a prisoner of war or a person missing in action, so long as such
20 dependent is eligible, but not to exceed 12 semesters of instruction or the
21 equivalent thereof at all such institutions for any person if the person
22 started such instruction prior to July 1, 2005, or 10 semesters if the person
23 started such instruction on or after July 1, 2005. Once a person qualifies as
24 a dependent under the terms and provisions of this act, no occurrence, such
25 as the return of the dependent's parent or such parent's reported death, shall
26 disqualify the dependent from the provisions or benefits of this act. The
27 state board of regents, the board of trustees of any community college, or
28 the governing body of any other institution which grants tuition for fees
29 without charge to a dependent under this act may file a claim with the
30 director of the Kansas ~~commission on veterans affairs~~ office of veterans
31 services for reimbursement of the amount of such tuition or fees. The
32 director of the Kansas ~~commission on veterans affairs~~ office of veterans
33 services shall administer this act and qualifications of persons as
34 dependents shall be determined by such director. Such director may adopt
35 rules and regulations making more specific the definitions herein
36 contained and for the administration of this act.

37 Sec. 16. K.S.A. 73-1218 is hereby amended to read as follows: 73-
38 1218. (a) The state board of regents, the board of trustees of every
39 community college, the board of regents of Washburn university of
40 Topeka, the governing board of every technical college and the governing
41 body of every other institution of post-high school education which is
42 supported by any state moneys shall provide for enrollment without charge
43 of tuition or fees for any dependent of a person who died as the result of a

1 service-connected disability suffered during the Vietnam conflict as a
2 result of such conflict, so long as such dependent is eligible, but not to
3 exceed 12 semesters of instruction or the equivalent thereof at all such
4 institutions for any person. Once a person qualifies as a dependent under
5 the terms and provisions of this act, no occurrence, such as the return of
6 the dependent's father or mother, shall disqualify the dependent from the
7 provisions or benefits of this act. The governing body of every institution
8 of post-high school education which is supported by any state moneys and
9 which grants tuition or fees without charge to a dependent under this act
10 may file a claim with the director of the Kansas ~~commission on veterans~~
11 ~~affairs~~ office of *veterans services* for reimbursement of the amount of such
12 tuition or fees. The director of the Kansas ~~commission on veterans affairs~~
13 office of *veterans services* shall administer this act and the qualification of
14 persons as dependents shall be determined by such director. Such director
15 may adopt rules and regulations making more specific the definition herein
16 contained and for the administration of this act.

17 (b) *As used in this act, "dependent"* ~~as used in this act shall mean~~
18 *means* any child born to, legally adopted by, or in the legal custody of a
19 person who was a resident of the state of Kansas at the time such person
20 entered service of the United States armed forces and who, while serving
21 in the ~~U.S.~~ *United States* armed forces in the geographical area of the
22 Vietnam conflict, has been declared to be a person who died as the result
23 of a service-connected disability suffered during the Vietnam conflict as a
24 result of such conflict.

25 Sec. 17. K.S.A. 73-1222 is hereby amended to read as follows: 73-
26 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments
27 thereto, unless the context clearly indicates otherwise:

28 (a) "Birth defect" means any physical or mental abnormality or
29 condition, including any susceptibility to any illness or condition other
30 than normal childhood illnesses or conditions.

31 (b) "Board" means the Persian Gulf War veterans health initiative
32 board established by K.S.A. 73-1223, and amendments thereto.

33 (c) "Director" means the director of the Kansas ~~commission on~~
34 ~~veterans affairs~~ office of *veterans services*.

35 (d) "Gulf War syndrome" means the wide range of physical and
36 mental conditions, problems and illnesses that are connected with service
37 in the armed forces of the United States during and in the area of
38 operations of the Persian Gulf War.

39 (e) "Veteran" means a person who is a resident of Kansas who was a
40 member of the armed forces of the United States of America and who
41 served in such armed forces in the area of operations of the Persian Gulf
42 War during the Persian Gulf War or thereafter regardless of whether such
43 person is still actively serving in the armed forces or reserve.

1 Sec. 18. K.S.A. 73-1223 is hereby amended to read as follows: 73-
2 1223. (a) There is hereby established with the Kansas ~~commission on~~
3 ~~veterans affairs~~ office *of veterans services* an advisory board known to be
4 the Persian Gulf War veterans health initiative board. The board shall be
5 advisory to the director in the implementation and administration of this
6 act.

7 (b) The board shall consist of nine members appointed as follows:

8 (1) At least three members shall be veterans. The director shall notify
9 the state level unit of the disabled American veterans, the veterans of
10 foreign wars of the United States and the American legion and request a
11 list of three nominations of veterans from each such veterans' organization.
12 The governor shall appoint one veteran as a member from each list.

13 (2) One member shall be qualified from each of the medical
14 specializations of epidemiology, toxicology and genetics. One member
15 shall be qualified in one of the behavioral sciences in the specialty area of
16 family dynamics. The director shall notify one or more professional
17 societies or associations which represent the medical or behavioral science
18 specialty area required and request a list of three nominations from that
19 specialty area, of which the director shall appoint one member of the board
20 from each list.

21 (3) Two legislators, one from each house, shall be appointed to the
22 board with the speaker of the house of representatives and president of the
23 senate each appointing a member. One legislator shall be a member of the
24 democratic party and one legislator shall be a member of the republican
25 party.

26 (c) ~~Within 90 days of the effective date of this act,~~ The governor, the
27 director, the speaker of the house of representatives and the president of
28 the senate shall appoint the initial members of the board. Of the initial
29 appointments to the board by the governor, one shall be for a term of one
30 year, one shall be for a term of two years and one shall be for a term
31 ending three years after the date of the initial appointment. Of the initial
32 appointments to the board by the director, two shall be for a term of one
33 year, one shall be for a term of two years and one shall be for a term
34 ending three years after the date of the initial appointment. After the initial
35 appointments, terms of office of the members appointed by the governor or
36 the director shall be for three years, but no person shall be appointed for
37 more than two successive three-year terms. The term of office of each
38 member appointed by the speaker of the house of representatives or the
39 president of the senate shall end on the first day of the regular session of
40 the legislature which commences in the first odd-numbered year occurring
41 after the year such member was appointed.

42 (d) Each member of the board shall serve until a successor is
43 appointed and qualified. Whenever a vacancy occurs in the membership of

1 the board for any reason other than the expiration of a member's term of
2 office, the governor, the director, speaker of the house of representatives or
3 president of the senate shall appoint a successor of like qualifications to
4 fill the unexpired term in accordance with this section. In the case of any
5 vacancy occurring in the position of a board member who was appointed
6 from a list of nominations submitted by a veterans' organization, the
7 governor shall notify that veterans' organization of the vacant position and
8 request a list of three nominations of veterans from which the governor
9 shall appoint a successor to the board. In the case of any vacancy
10 occurring in the position of a board member who is qualified in one of the
11 specialty areas listed in subsection—~~(b)(3)~~ *(b)(2)* after the initial
12 appointments, the director shall notify one or more professional societies
13 or associations which represent the medical or behavioral science specialty
14 required for the vacant position and request a list of three nominations
15 from that specialty area from which the director shall appoint a successor
16 to the board.

17 (e) Annually, the board shall elect a chairperson, ~~vice-chairperson~~
18 *vice chairperson* and secretary from among its members and shall meet at
19 least four times each year at the call of the chairperson.

20 (f) The members of the board attending meetings of the board or
21 attending a subcommittee meeting thereof authorized by the board shall
22 receive no compensation for their services but shall be paid subsistence
23 allowances, mileage and other expenses as provided in ~~subsections (b), (c)~~
24 ~~and (d)~~ of K.S.A. 75-3223~~(b), (c) and (d)~~, and amendments thereto.

25 Sec. 19. K.S.A. 73-1225 is hereby amended to read as follows: 73-
26 1225. There is hereby established with the Kansas ~~commission on veterans~~
27 ~~affairs~~ *office of veterans services* a full-time position dedicated to seeking
28 and applying for grants and other moneys to fund activities under this act,
29 to assist in the preparation and administration of surveys under this act, to
30 promote programs and activities designed to assist persons affected by
31 Gulf War syndrome to receive the help they need and to perform such
32 other duties as the director may prescribe. ~~Within 90 days of the effective~~
33 ~~date of this act,~~ The director shall appoint a qualified individual to this
34 position.

35 Sec. 20. K.S.A. 73-1231 is hereby amended to read as follows: 73-
36 1231. There is hereby established in the state treasury the Persian Gulf War
37 veterans health initiative fund which shall be administered by the director.
38 All moneys received from any grants from federal or other nonstate
39 sources, from contributions or from any other source for the purpose of
40 financing the activities of the board or the development or administration
41 of the surveys developed by the board under this act, shall be remitted to
42 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
43 and amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit
2 of the Persian Gulf War veterans health initiative fund. All expenditures
3 from the Persian Gulf War veterans health initiative fund shall be for the
4 purposes of financing the activities of the director for the implementation
5 and administration, including the activities of the board and the
6 development and administration of the surveys under this act, and shall be
7 made in accordance with appropriation acts upon warrants of the director
8 of accounts and reports issued pursuant to vouchers approved by the
9 director of the Kansas ~~commission on veterans affairs~~ office *of veterans*
10 *services* or the director's designee.

11 Sec. 21. K.S.A. 73-1232 is hereby amended to read as follows: 73-
12 1232. (a) The director of the Kansas ~~commission on veterans affairs~~ office
13 *of veterans services* is hereby authorized to establish and maintain a state
14 system of veterans cemeteries. For the purposes of such system, the
15 director may request, accept and take title to any grants or bequests or
16 other donations of moneys, other personal property, real property or other
17 assistance from any person, firm, association or corporation or from any
18 federal, state or local governmental agency or other governmental entity.
19 The director may lease, purchase or otherwise acquire title to real property
20 for the state system of veterans cemeteries. Subject to the provisions of
21 subsection (b), the director may enter into contracts for the purpose of
22 establishing and maintaining the system of veterans cemeteries.

23 (b) The director shall not enter into any contracts pursuant to
24 subsection (a) after the effective date of this act for the purpose of
25 establishing and maintaining the system of veterans cemeteries unless
26 funds in an amount equal to 100% of the costs of constructing the
27 cemeteries in such system is provided by the federal government.

28 (c) No more than three applications shall be submitted to the veterans
29 administration for the state veterans cemetery program grant after the
30 effective date of this act. Nothing in this subsection shall be construed as
31 applying to grants submitted prior to the effective date of this act.

32 Sec. 22. K.S.A. 73-1233 is hereby amended to read as follows: 73-
33 1233. (a) As used in this section "memorial for veterans" means a capital
34 improvement or other suitable memorial for Kansas veterans who served
35 in the armed forces of the United States of America which is proposed to
36 be located or is located at an institution, building or facility on state-owned
37 property of the director of the Kansas ~~commission on veterans affairs~~
38 office *of veterans services* and may include trees, shrubs and other
39 landscaping.

40 (b) In accordance with this section, the director of the Kansas
41 ~~commission on veterans affairs~~ office *of veterans services* may initiate and
42 conduct capital improvement projects to construct, reconstruct or repair or
43 to maintain memorials for veterans. Each memorial for veterans shall be

1 located at an institution, building or facility on state-owned property of the
2 director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans*
3 *services* and shall become the property of Kansas upon completion and
4 acceptance of the project by the secretary of administration and the
5 director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans*
6 *services*. Except as otherwise provided by law or rules and regulations
7 adopted under this section, each such capital improvement project for any
8 such memorial for veterans shall be totally financed from private moneys
9 received by the director of the ~~Kansas-commission-on-veterans-affairs~~
10 office of *veterans services* for such purpose. Prior to initiating a capital
11 improvement project for any such memorial for veterans, the plans and
12 specifications for the project shall be reviewed and shall receive prior
13 approval by the secretary of administration. No such capital improvement
14 project for any such memorial for veterans shall be approved or initiated
15 by the director of the ~~Kansas-commission-on-veterans-affairs~~ office of
16 *veterans services* without having first advised and consulted with the joint
17 committee on state building construction.

18 (c) In accordance with the provisions of this act and the rules and
19 regulations adopted thereunder, the director of the ~~Kansas-commission-on-~~
20 ~~veterans-affairs~~ office of *veterans services* may apply for, accept and
21 receive any private donation, gift, grant or bequest made to establish,
22 modify or maintain memorials for veterans. The director of the ~~Kansas~~
23 ~~commission-on-veterans-affairs~~ office of *veterans services* shall administer
24 and expend any such private donation, gift, grant or bequest in accordance
25 with the terms or conditions imposed by the donor.

26 (d) The director of the ~~Kansas-commission-on-veterans-affairs~~ office
27 of *veterans services* shall develop and adopt rules and regulations
28 prescribing guidelines, limitations and procedures for the approval of
29 proposed memorials for veterans and for the acceptance of private
30 donations, gifts, grants and bequests made for memorials for veterans. The
31 rules and regulations prescribing such guidelines and procedures shall
32 include:

33 (1) Procedures for the appointment by the director of the ~~Kansas~~
34 ~~commission-on-veterans-affairs~~ office of *veterans services* of an advisory
35 committee to advise the director regarding memorials for veterans, which
36 advisory committee shall include one or more members of the legislature
37 representing each area where a memorial may be located pursuant to this
38 section and such other persons selected by the director;

39 (2) guidelines for memorials for veterans to assure that each
40 memorial for veterans is an appropriate tribute to Kansas veterans who
41 served in the armed forces of the United States of America, is nonpartisan
42 in nature and is in accord with nondiscrimination principles;

43 (3) guidelines and procedures to provide that the prior, express

1 approval of the director of the Kansas ~~commission on veterans affairs~~
2 office *of veterans services* has been obtained before:

3 (A) The name of the Kansas ~~commission on veterans affairs~~ office *of*
4 *veterans services* or the name of the Kansas soldiers' home, the Kansas
5 veterans' home or any other institution, building or facility under the
6 jurisdiction of the director; or

7 (B) the name of the director or of any officer or employee of the
8 Kansas ~~commission on veterans affairs~~ office *of veterans services* or of
9 any such institution, building or facility, is used in connection with any
10 fund-raising for any memorial for veterans;

11 (4) guidelines for appropriate recognition of donors for memorials for
12 veterans, except that no memorial for veterans shall be named for any
13 donor;

14 (5) procedures to provide that the design, plans and specifications for
15 memorials for veterans are reviewed and approved by the secretary of
16 administration to assure conformance with the requirements and guidelines
17 applicable to state capital improvement projects; and

18 (6) limitations and other guidelines for the expenditure of moneys in
19 benefit funds established under K.S.A. 75-3728e et seq., and amendments
20 thereto, for the Kansas soldiers' home or the Kansas veterans' home for the
21 establishment or maintenance of memorials for veterans.

22 (e) Members of the advisory committee established under this section
23 shall receive no compensation or reimbursement for expenses incurred for
24 their service on such advisory committees.

25 (f) There is hereby established in the state treasury the Kansas
26 veterans memorials fund which shall be administered by the director of the
27 Kansas ~~commission on veterans affairs~~ office *of veterans services*. All
28 moneys received from any private donation, gift, grant or bequest made for
29 memorials for Kansas veterans who served in the armed forces of the
30 United States of America shall be remitted to the state treasurer in
31 accordance with the provisions of K.S.A. 75-4215, and amendments
32 thereto. Upon receipt of each such remittance, the state treasurer shall
33 deposit the entire amount in the state treasury to the credit of the Kansas
34 veterans memorials fund. All expenditures from the Kansas veterans
35 memorials fund shall be for the purpose of financing capital improvement
36 projects for the construction, reconstruction or repair or for the
37 maintenance of memorials for veterans and shall be made in accordance
38 with appropriation acts upon warrants of the director of accounts and
39 reports issued pursuant to vouchers approved by the director of the Kansas
40 ~~commission on veterans affairs~~ office *of veterans services* or the director's
41 designee.

42 (g) On or before the 10th of each month, the director of accounts and
43 reports shall transfer from the state general fund to the Kansas veterans

1 memorials fund interest earnings based on:

2 (1) The average daily balance of moneys in the Kansas veterans
3 memorials fund for the preceding month; and

4 (2) the net earnings rate for the pooled money investment portfolio
5 for the preceding month.

6 Sec. 23. K.S.A. 73-1234 is hereby amended to read as follows: 73-
7 1234. (a) (1) The director of the Kansas ~~commission on veterans affairs~~
8 office of veterans services shall establish and administer a veterans claims
9 assistance program in accordance with this section to improve the
10 coordination of veterans benefits counseling in Kansas to maximize the
11 effective and efficient use of taxpayer dollars and to ensure that every
12 veteran is served and receives claims counseling and assistance.

13 (2) The director of the Kansas ~~commission on veterans affairs~~ office
14 of veterans services shall establish and commence operations under the
15 veterans claims assistance program in accordance with this section on or
16 before August 1, 2006.

17 ~~(3)—~~The director of the Kansas ~~commission on veterans affairs~~ office
18 of veterans services shall appoint the deputy director of veterans services,
19 who shall be in the classified service under the Kansas civil service act.
20 The deputy director of veterans services shall provide such services to
21 assist the director of the Kansas ~~commission on veterans affairs~~ office of
22 veterans services for all veterans services, except for those services
23 relating to the Kansas soldiers' home and the Kansas veterans' home.

24 ~~(4)(3)~~ No employee of the Kansas ~~commission on veterans affairs~~
25 office of veterans services shall act as an agent with power of attorney for
26 any claimant.

27 (b) The veterans claims assistance program shall implement and
28 administer annual service grants to eligible veterans service organizations
29 pursuant to grant agreements entered into with the director of the Kansas
30 ~~commission on veterans affairs~~ office of veterans services in accordance
31 with this section. All grant agreements shall include any match
32 requirements described in subsection (g). All service grants and grant
33 agreements shall be subject to the provisions of appropriation acts.

34 (c) The director of the Kansas ~~commission on veterans affairs~~ office
35 of veterans services shall adopt rules and regulations to implement and
36 administer the veterans claims assistance program and the service grant
37 program. The rules and regulations shall include:

38 (1) The detailed requirements of the veterans claims assistance
39 program and grant agreements;

40 (2) the responsibilities of all parties to the grant agreements;

41 (3) the duration of the grants;

42 (4) any insurance or bonding requirements;

43 (5) the format and frequency of progress and final reports;

1 (6) the initial and continuing training requirements for veterans
2 claims assistance representatives;

3 (7) the provisions of a quality assurance program for the veterans
4 claims assistance program and the services performed by veterans service
5 organizations receiving grants under this section; and

6 (8) any other information or requirements deemed necessary or
7 appropriate by the director.

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

13 (e) Training activities for veterans claims assistance representatives
14 shall be the responsibility of the veterans service organization employing
15 the veterans claims assistance representatives and shall be conducted by
16 qualified ~~veterans claims assistance representatives~~ **trainers**.

17 (f) To receive a service grant under this section to perform services
18 under the veterans claims assistance program, a veterans service
19 organization shall satisfy the following eligibility requirements:

20 (1) ~~The veterans service organization shall~~ Be congressionally
21 chartered by the United States Congress;

22 (2) ~~the veterans service organization shall~~ agree to cross-accredit the
23 officers and employees of the director of the Kansas ~~commission on~~
24 ~~veterans affairs~~ *office of veterans services* who are veterans and who work
25 in the veteran services program, ~~as well as~~ **and** veterans claims assistance
26 representatives of other veterans service organizations who are performing
27 services under the veterans claims assistance program, subject to the
28 following:

29 (A) The person to be cross-accredited shall provide proof to the
30 deputy director of veterans services that the person has successfully
31 completed the ~~national association of county veterans service officers~~
32 ~~training~~ ***federal department of veterans affairs office training,***
33 ***responsibility, involvement and preparation of claims (TRIP) course*** or
34 equivalent, as determined by the deputy director of veterans services and
35 that such person shall participate in a minimum of one annual training
36 session as approved by the deputy director of veterans services as well as
37 maintain the continuing education requirements of the cross-accrediting
38 veterans service organization; and

39 (B) the cross-accrediting veterans service organization has reserved
40 the right to terminate the accreditation if the person fails to meet the
41 continuing education requirement of the veterans service organization or
42 participate in a minimum of one annual training session as approved by the
43 deputy director of veterans services;

1 (3) agree to participate in one-stop veterans service centers at:

2 ~~(A) The federal veterans administration regional office and each~~
3 ~~federal veterans administration medical center in Kansas~~ *department of*
4 *veterans affairs regional office or the veterans affairs medical center in*
5 *Wichita; and*

6 *(B) each veterans affairs medical center in Topeka and*
7 *Leavenworth as long as those facilities are in operation;*

8 (4) demonstrate the receipt of monetary or service support from its
9 own organization for the veterans claims assistance program;

10 (5) demonstrate the ability to comply with the requirements
11 prescribed by this section or adopted by the director of the Kansas
12 ~~commission on veterans affairs office under this statute~~ *office of veterans*
13 *services* for accounting, service work activity and other satisfactory
14 performance requirements and measures;

15 (6) have established state headquarters in Kansas;

16 (7) have staff present in the federal *department of* veterans
17 ~~administration~~ *affairs* regional office *or the veterans affairs medical*
18 *center in Wichita* and ~~the United States department of~~ *each* veterans
19 affairs medical ~~centers~~ *center* located in Topeka and Leavenworth *as long*
20 *as those facilities are in operation;*

21 (8) have membership residency in at least 50% of the Kansas
22 counties;

23 (9) have had an established office presence in the United States
24 department of veterans affairs regional office in Kansas for at least the
25 three most recent state fiscal years;

26 (10) have assisted in filing a minimum of 300 claims for veterans for
27 which the veterans service organization has power of attorney in the ~~past~~
28 *most recent* 12-month period;

29 (11) agree to make no reference to membership eligibility on claims
30 documentation and not solicit membership due to information received on
31 claim forms;

32 (12) agree to cross-accredit service officers participating in the
33 service grant program to include service officers of partnered veterans
34 service organizations and the Kansas ~~commission on veterans affairs~~ *office*
35 *of veterans services* staff ~~located in the federal veterans administration~~
36 ~~regional office and the United States department of veterans affairs~~
37 ~~medical centers in Leavenworth and Topeka;~~ and

38 (13) agree that ~~the~~ *such* veterans service organization shall continue
39 to provide monetary support for the veterans claims assistance program
40 pursuant to the requirements in subsection (g).

41 (g) Any monetary support provided under subsection (f)(13) shall be
42 in a combination of monetary and non-monetary support, herein called
43 "match." The veterans claims assistance advisory board shall determine the

1 percentage of the match as a percent of the amount of the service grant
2 provided to the veterans service organization, and submit such
3 determination to the director of the Kansas ~~commission on veterans affairs~~
4 office *of veterans services* for approval.

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

17 (i) The director of the Kansas ~~commission on veterans affairs~~ office
18 *of veterans services* shall develop and maintain a central database registry
19 regarding claims outcome data received from veterans claims assistance
20 representatives under the veterans claims assistance program.

21 Sec. 24. K.S.A. 73-1235 is hereby amended to read as follows: 73-
22 1235. (a) There is hereby established with the Kansas ~~commission on~~
23 ~~veterans affairs~~ office *of veterans services* an advisory board which shall
24 be known as the VCAP advisory board. The advisory board shall advise
25 the director of the Kansas ~~commission on veterans affairs~~ office *of*
26 *veterans services* on all veterans services, including in the implementation
27 and administration of the veterans claims assistance program.

28 (b) (1) The advisory board shall consist of at least seven members as
29 follows:

30 (A) The deputy director of veterans services, who shall be a
31 permanent member of the advisory board and shall serve as the
32 chairperson of the advisory board.

33 (B) Each veterans service organization participating in the grant
34 program shall appoint one member of the advisory board who shall be a
35 veteran. The deputy director of veterans services shall notify the state level
36 unit of each national veterans service organization which has an office in
37 the federal department of veteran affairs regional office in Wichita,
38 Kansas, and request written confirmation of the intent of the veterans
39 service organization to participate in the veterans claims assistance
40 program and to request an annual service grant.

41 (C) The governor shall appoint two members of the advisory board
42 who shall be veterans. With regard to members appointed by the governor,
43 any veterans service organization may submit a list of three names for

1 consideration by the governor in making the appointment. The governor
2 shall consider each such list if timely submitted and may appoint from
3 among those listed.

4 (D) Two legislators, one from each house, shall be appointed to the
5 advisory board with the speaker of the house of representatives and
6 president of the senate each appointing a member. One legislator shall be a
7 member of the democratic party and one legislator shall be a member of
8 the republican party.

9 (2) If there are less than two veterans services organizations
10 participating in the grant program under subsection (b)(1)(B), then the
11 governor shall appoint the remaining members of the advisory board.
12 Appointments under this paragraph shall not exceed two members.

13 (c) Within 90 days of the effective date of this act, The governor, the
14 speaker of the house of representatives and the president of the senate shall
15 appoint the initial members of the advisory board. Of the initial
16 appointments to the advisory board by the governor, one shall be for a
17 term of one year, one shall be for a term of two years and one shall be for a
18 term ending three years after the date of the initial appointment. After the
19 initial appointments, terms of office of the members appointed by the
20 governor shall be for three years. The term of office of each member
21 appointed by the speaker of the house of representatives or the president of
22 the senate shall end on the first day of the regular session of the legislature
23 which commences in the first odd-numbered year occurring after the year
24 such member was appointed.

25 (d) Each member of the advisory board, other than the deputy director
26 of veterans services, shall serve until a successor is appointed and
27 qualified. Whenever a vacancy occurs in the membership of the advisory
28 board for any reason other than the expiration of a member's term of
29 office, the governor, the speaker of the house of representatives or
30 president of the senate shall appoint a successor of like qualifications to
31 fill the unexpired term in accordance with this section. In the case of any
32 vacancy occurring in the position of an advisory board member who was
33 appointed from a list of nominations submitted by a veterans service
34 organization, the governor shall notify that veterans service organization of
35 the vacant position and request a list of three nominations of veterans from
36 which the governor shall appoint a successor to the advisory board.

37 (e) Annually, the advisory board shall elect a ~~vice-chairperson~~ *vice*
38 *chairperson* and secretary from among its members and shall meet at least
39 four times each year at the call of the chairperson.

40 (f) The members of the advisory board attending meetings of the
41 advisory board or attending a subcommittee meeting thereof authorized by
42 the advisory board shall receive no compensation for their services but
43 shall be paid subsistence allowances, mileage and other expenses as

1 provided in ~~subsections (b), (c) and (d)~~ of K.S.A. 75-3223(b), (c) and (d)
2 and amendments thereto.

3 Sec. 25. K.S.A. 73-1236 is hereby amended to read as follows: 73-
4 1236. The legislative budget committee shall annually study and review
5 the veterans claims assistance program and the service grants program of
6 the ~~Kansas commission on veterans affairs~~ *office of veterans services*
7 under this act. The director of the ~~Kansas commission on veterans affairs~~
8 *office of veterans services* and each veterans service organization ~~which~~
9 *that* is receiving service grants under this section shall prepare and present
10 annual reports of activities and expenditures under the veterans claims
11 assistance program and the service grants program.

12 Sec. 26. K.S.A. 73-1238 is hereby amended to read as follows: 73-
13 1238. There is hereby created within the ~~Kansas commission on veterans~~
14 ~~affairs~~ *office of veterans services*, the Vietnam war era medallion program.
15 Every veteran who honorably served on active duty in the United States
16 military service at any time beginning February 28, 1961, and ending May
17 7, 1975, shall be entitled to receive a Vietnam war era medallion, medal
18 and a certificate of appreciation, provided that *such veteran*:

19 (a) ~~Such veteran~~ Is a legal resident of this state or was a legal resident
20 of this state at the time the veteran entered or was discharged from military
21 service or at the time of the veteran's death; and

22 (b) ~~such veteran~~ was honorably separated or discharged from military
23 service or is still in active service in an honorable status, or was in active
24 service in an honorable status at the time of the veteran's death.

25 Sec. 27. K.S.A. 73-1239 is hereby amended to read as follows: 73-
26 1239. The Vietnam war era medallion, medal and a certificate shall be
27 awarded regardless of whether or not such veteran served within the
28 United States or in a foreign country. The medallion, medal and the
29 certificate shall be awarded regardless of whether or not such veteran was
30 under ~~eighteen~~ 18 years of age at the time of enlistment. For purposes of
31 ~~this bill~~ *section*, "veteran" means any person defined as a veteran by the
32 United States department of veterans' affairs or its successor agency. The
33 director of the ~~Kansas commission on veterans affairs~~ *office of veterans*
34 *services* shall administer the program and ~~shall~~ adopt all rules and
35 regulations necessary to administer the program. The agency shall
36 determine as expeditiously as possible the persons who are entitled to a
37 Vietnam war era medallion, medal and a certificate and distribute the
38 medallions, medals and the certificates. Applications for the Vietnam war
39 era medallion, medal and the certificate shall be filed with the director of
40 the ~~Kansas commission on veterans affairs office at any time after January~~
41 ~~1, 2010~~, *office of veterans services* on forms prescribed and furnished by
42 the director of the ~~Kansas commission on veterans affairs~~ *office of*
43 *veterans services*. The deputy director of veteran services shall approve all

1 applications that are in order, and shall cause a Vietnam war era medallion,
2 medal and a certificate to be prepared for each approved veteran in the
3 form approved by the director of the Kansas ~~commission on veterans~~
4 ~~affairs~~ office of *veterans services*. The deputy director of veteran services
5 shall review applications for the Vietnam war era medallion, medal and a
6 certificate to ensure recipients are enrolled for eligible federal benefits.

7 Sec. 28. K.S.A. 73-1241 is hereby amended to read as follows: 73-
8 1241. If any spouse or eldest living survivor applies for the Vietnam war
9 era medallion, medal and certificate or if any veteran dies after applying
10 for a Vietnam war era medallion, medal and a certificate and such veteran
11 would have been entitled to the Vietnam war era medallion, medal and the
12 certificate, the director of the Kansas ~~commission on veterans affairs~~ office
13 of *veterans services* shall give the Vietnam war era medallion, medal and
14 the certificate to the spouse or eldest living survivor of the deceased
15 veteran.

16 Sec. 29. K.S.A. 73-1242 is hereby amended to read as follows: 73-
17 1242. If the director of ~~veteran~~ the *Kansas office of veterans services*
18 disallows any veteran's claim to a Vietnam war era medallion, medal and a
19 certificate, a statement of the reason for the disallowance shall be filed
20 with the application and notice of this disallowance shall be mailed to the
21 applicant at the applicant's last known address. The director of the Kansas
22 ~~commission on veterans affairs~~ office of *veterans services* shall approve
23 the form of the Vietnam war era medallion, medal and the certificate. It is
24 the intent of the legislature to create statewide involvement in the design
25 of these symbols in recognition of this historic endeavor. The director of
26 the Kansas ~~commission on veterans affairs~~ office of *veterans services* may
27 solicit potential designs from elementary and secondary schools, veterans'
28 groups, civic organizations or any other interested party, and may select
29 the best design from among such solicited designs or may select another
30 design.

31 Sec. 30. K.S.A. 73-1243 is hereby amended to read as follows: 73-
32 1243. The "Vietnam war era veterans' recognition award fund" is hereby
33 created in the state treasury, and shall consist of all gifts, donations and
34 bequests to the fund. Moneys received shall be remitted to the state
35 treasurer in accordance with the provisions of K.S.A. 75-4215, and
36 amendments thereto. Upon receipt of each such remittance, the state
37 treasurer shall deposit the entire amount in the state treasury to the credit
38 of the Vietnam war era veterans' recognition award fund. The fund shall be
39 administered by the director of the Kansas ~~commission on veterans affairs~~
40 office of *veterans services*. Moneys in the Vietnam war era veterans'
41 recognition award fund shall not be transferred to the credit of the state
42 general fund. On or before the 10th day of each month, the director of
43 accounts and reports shall transfer from the state general fund to the

1 Vietnam war era veterans' recognition award fund interest earnings based
2 on:

3 (a) The average daily balance of moneys in the Vietnam war era
4 veterans' recognition award fund for the preceding month; and

5 (b) the net earnings rate of the pooled money investment portfolio for
6 the preceding month. Moneys in the fund shall be used solely to promote
7 the solicitation for designs for, aid in the manufacture of and aid in the
8 distribution of the medallion, medal and the certificate.

9 Sec. 31. K.S.A. 2023 Supp. 74-2012 is hereby amended to read as
10 follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the
11 provisions of the open records act, except as otherwise provided under the
12 provisions of this section and by K.S.A. 65-2422d and 74-2022, and
13 amendments thereto.

14 (2) Nothing in this section shall prevent the transmittal of motor
15 vehicle records for the purpose of processing voter registration
16 applications.

17 (3) ~~For the purpose of~~ *As used in* this section, "motor vehicle
18 records" means any record that pertains to a motor vehicle drivers' license,
19 motor vehicle certificate of title, motor vehicle registration or
20 identification card issued by the division of vehicles.

21 (b) All motor vehicle records ~~which~~ *that* relate to the physical or
22 mental condition of any person, have been expunged or are photographs or
23 digital images maintained in connection with the issuance of drivers'
24 licenses shall be confidential and shall not be disclosed except in
25 accordance with a proper judicial order or as otherwise more specifically
26 provided in this section or by other law. Photographs or digital images
27 maintained by the division of vehicles in connection with the issuance of
28 drivers' licenses may be disclosed to any federal, state or local agency,
29 including any court or law enforcement agency, to assist such agency in
30 carrying out the functions required of such governmental agency. In
31 January of each year the division shall report to the house committee on
32 veterans; ~~and military and homeland security~~ regarding the utilization of
33 the provisions of this subsection. Motor vehicle records relating to
34 diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-
35 2908, and amendments thereto, shall be confidential and shall not be
36 disclosed except in accordance with a proper judicial order or by direct
37 computer access to:

38 (1) A city, county or district attorney, for the purpose of determining a
39 person's eligibility for diversion or to determine the proper charge for a
40 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any
41 ordinance of a city or resolution of a county in this state which prohibits
42 any acts prohibited by those statutes;

43 (2) a municipal or district court, for the purpose of using the record in

1 connection with any matter before the court;

2 (3) a law enforcement agency, for the purpose of supplying the record
3 to a person authorized to obtain it under paragraph (1) or (2); or

4 (4) an employer when a person is required to retain a commercial
5 driver's license due to the nature of such person's employment.

6 (c) Lists of persons' names and addresses contained in or derived
7 from motor vehicle records shall not be sold, given or received for the
8 purposes prohibited by K.S.A. 45-230, and amendments thereto, except
9 that:

10 (1) The director of vehicles may provide to a requesting party, and a
11 requesting party may receive, such a list and accompanying information
12 from motor vehicle records upon written certification that the requesting
13 party shall use the list solely for the purpose of:

14 (A) Assisting the selective service system in the maintenance of a list
15 of persons 18 to 26 years of age in this state as required under the
16 provisions of section 3 of the federal military selective service act;

17 (B) assisting businesses with the verification or reporting of
18 information derived from the title and registration records of the division
19 to prepare and assemble vehicle history reports, except that such vehicle
20 history reports shall not include the names or addresses of any current or
21 previous owners;

22 (C) assisting an employer or an employer's authorized agent in
23 monitoring the driving record of the employees required to drive in the
24 course of employment to ensure driver behavior, performance or safety;

25 (D) assisting the ~~Kansas commission on veterans affairs~~ office of
26 *veterans services* in notifying veterans of the facilities, benefits and
27 services available to veterans; or

28 (E) any other purpose authorized by the driver's privacy protection
29 act, 18 U.S.C. § 2721, as it existed on January 1, 2018.

30 (2) Any law enforcement agency of this state which has access to
31 motor vehicle records may furnish to a requesting party, and a requesting
32 party may receive, such a list and accompanying information from such
33 records upon written certification that the requesting party shall use the list
34 solely for the purpose of assisting an insurer authorized to do business in
35 this state, or the insurer's authorized agent, in processing an application
36 for, or renewal or cancellation of, a motor vehicle liability insurance
37 policy.

38 (d) If a law enforcement agency of this state furnishes information to
39 a requesting party pursuant to subsection (c)(2), the law enforcement
40 agency shall charge the fee prescribed by the secretary of revenue pursuant
41 to K.S.A. 74-2022, and amendments thereto, for any copies furnished and
42 may charge an additional fee to be retained by the law enforcement agency
43 to cover its cost of providing such copies. The fee prescribed pursuant to

1 K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the
2 secretary of revenue and upon receipt thereof shall be deposited in the
3 state treasury to the credit of the electronic databases fee fund, except for
4 the \$1 of the fee for each record required to be credited to the highway
5 patrol training center fund under subsection (f).

6 (e) The secretary of revenue, the secretary's agents or employees, the
7 director of vehicles or the director's agents or employees shall not be liable
8 for damages caused by any negligent or wrongful act or omission of a law
9 enforcement agency in furnishing any information obtained from motor
10 vehicle records.

11 (f) A fee in an amount fixed by the secretary of revenue pursuant to
12 K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full
13 or partial motor vehicle record shall be charged by the division, except that
14 the director may charge a lesser fee pursuant to a contract between the
15 secretary of revenue and any person to whom the director is authorized to
16 furnish information under subsection (c)(1), and such fee shall not be less
17 than the cost of production or reproduction of any full or partial motor
18 vehicle record requested. One dollar shall be credited to the highway
19 patrol training center fund for each motor vehicle record provided by the
20 division of vehicles, except for fees charged:

21 (1) Pursuant to a contract for motor vehicle records authorized by this
22 subsection pertaining to motor vehicle titles or motor vehicle registrations;
23 or

24 (2) for motor vehicle records authorized for disclosure pursuant to
25 subsection (c)(1)(E) for the purposes of:

26 (A) Assisting an insurer authorized to do business in this state, or the
27 insurer's authorized agent, in conducting antifraud activities; or

28 (B) assisting any federal, state or local agency, including any court or
29 law enforcement agency, or any private person acting on behalf of such
30 agencies, in carrying out the functions required of such governmental
31 agency.

32 (g) The secretary of revenue may adopt such rules and regulations as
33 are necessary to implement the provisions of this section.

34 Sec. 32. K.S.A. 75-3370 is hereby amended to read as follows: 75-
35 3370. (a) The secretary for aging and disability services is hereby
36 authorized to enter into an interagency agreement with the secretary of
37 corrections and the director of the ~~Kansas commission on veterans affairs~~
38 *office of veterans services* transferring the charge, care, management and
39 control of the Winfield state hospital and training center property to the
40 department of corrections and the ~~Kansas commission on veterans affairs~~
41 *office of veterans services* in accordance with the current uses of the
42 Winfield state hospital and training center property and as agreed upon by
43 the secretary of corrections and the director of the ~~Kansas commission on~~

1 ~~veterans affairs~~ office of *veterans services*.

2 (b) At such time as specific title descriptions to the portion of the
3 Winfield state hospital and training center property that is transferred to
4 the charge, care, management and control of the department of corrections
5 and the portion of the Winfield state hospital and training center property
6 that is transferred to the charge, care, management and control of the
7 director of the Kansas ~~commission on veterans affairs~~ office of *veterans*
8 *services* have been determined and are available, the secretary for aging
9 and disability services shall convey, without compensation, title to such
10 portions of the Winfield state hospital and training center property to the
11 department of corrections and the Kansas ~~commission on veterans affairs~~
12 office of *veterans services*, respectively. The conveyance prescribed by this
13 section shall not be subject to the provisions of K.S.A. 75-3043a, and
14 amendments thereto.

15 (c) *As used in this section*, "Winfield state hospital and training center
16 property" means the state-owned real estate, including any improvements
17 thereon, which is located in the city of Winfield and Cowley county and
18 which is described as follows:

19 (1) The Southwest Quarter of Section 14, Township 32 South, Range
20 4 East of the 6th P.M., Cowley County, Kansas;

21 (2) The Southeast Quarter of Section 15, Township 32 South, Range 4
22 East of the 6th P.M., Cowley County, Kansas, less Road Right of Way; and

23 (3) Part of the Northwest Quarter of Section 15, Township 32 South,
24 Range 4 East of the 6th P.M., that lies East of the Centerline of Timber
25 Creek, and described as follows: Commencing at the Northeast corner of
26 said Quarter Section; Thence West along the North line of said Quarter
27 Section to the center of the Channel of Timber Creek; Thence Southerly
28 down the center of the channel of said creek (following the meanderings
29 thereof) to the South line of said Quarter Section; Thence East along the
30 South line of said Quarter Section to the Southeast Corner of said Quarter
31 Section; Thence North along the East line of said Quarter Section to the
32 Point of Beginning.

33 Sec. 33. K.S.A. 2023 Supp. 75-3740 is hereby amended to read as
34 follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and
35 amendments thereto, and subsections (b) and (k), all contracts and
36 purchases made by or under the supervision of the director of purchases or
37 any state agency for which competitive bids are required shall be awarded
38 to the lowest responsible bidder, taking into consideration conformity with
39 the specifications, terms of delivery, and other conditions imposed in the
40 call for bids.

41 (b) A contract shall be awarded to a certified business or disabled
42 veteran business which is also a responsible bidder, whose total bid cost is
43 not more than 10% higher than the lowest competitive bid. Such contract

1 shall contain a promise by the certified business that the percentage of
2 employees that are individuals with disabilities will be maintained
3 throughout the contract term and a condition that the certified business
4 shall not subcontract for goods or services in an aggregate amount of more
5 than 25% of the total bid cost.

6 (c) The director of purchases shall have power to decide as to the
7 lowest responsible bidder for all purchases, but if:

8 (1) (A) A responsible bidder purchases from a qualified vendor goods
9 or services on the list certified by the director of purchases pursuant to
10 K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of
11 such purchases made during the previous fiscal year shall be deducted
12 from the original bid received from such bidder for the purpose of
13 determining the lowest responsible bid, except that such deduction shall
14 not exceed 10% of the original bid received from such bidder; or

15 (B) a responsible bidder purchases from a certified business the dollar
16 amount of such purchases made during the previous fiscal year shall be
17 deducted from the original bid received from such bidder for the purpose
18 of determining the lowest responsible bid, except that such deduction shall
19 not exceed 10% of the original bid received from such bidder;

20 (2) the dollar amount of the bid received from the lowest responsible
21 bidder from within the state is identical to the dollar amount of the bid
22 received from the lowest responsible bidder from without the state, the
23 contract shall be awarded to the bidder from within the state; and

24 (3) in the case of bids for paper products specified in K.S.A. 75-
25 3740b, and amendments thereto, the dollar amounts of the bids received
26 from two or more lowest responsible bidders are identical, the contract
27 shall be awarded to the bidder whose bid is for those paper products
28 containing the highest percentage of recycled materials.

29 (d) (1) Any or all bids may be rejected, and a bid shall be rejected if it
30 contains any material alteration or erasure made after the bid is opened.
31 The director of purchases may reject the bid of any bidder who is in
32 arrears on taxes due the state, who is not properly registered to collect and
33 remit taxes due the state or who has failed to perform satisfactorily on a
34 previous contract with the state. The secretary of revenue is hereby
35 authorized to exchange such information with the director of purchases as
36 is necessary to effectuate the preceding sentence notwithstanding any other
37 provision of law prohibiting disclosure of the contents of taxpayer records
38 or information. Prior to determining the lowest responsible bidder on
39 contracts for construction of buildings or for major repairs or
40 improvements to buildings for state agencies, the director of purchases
41 shall consider the:

42 (A) Criteria and information developed by the secretary of
43 administration, with the advice of the state building advisory commission

1 to rate contractors on the basis of their performance under similar contracts
2 with the state, local governmental entities and private entities, in addition
3 to other criteria and information available; and

4 (B) recommendations of the project architect, or, if there is no project
5 architect, the recommendations of the secretary of administration or the
6 agency architect for the project as provided in K.S.A. 75-1254, and
7 amendments thereto.

8 (2) In any case where competitive bids are required and where all
9 bids are rejected, new bids shall be called for as in the first instance, unless
10 otherwise expressly provided by law or the state agency elects not to
11 proceed with the procurement.

12 (e) Before the awarding of any contract for construction of a building
13 or the making of repairs or improvements upon any building for a state
14 agency, the director of purchases shall receive written approval from the
15 state agency for which the building construction project has been
16 approved, that the bids generally conform with the plans and specifications
17 prepared by the project architect, by the secretary of administration or by
18 the agency architect for the project, as the case may be, so as to avoid error
19 and mistake on the part of the contractors. In all cases where material
20 described in a contract can be obtained from any state institution, the
21 director of purchases shall exclude the same from the contract.

22 (f) All bids with the names of the bidders and the amounts thereof,
23 together with all documents pertaining to the award of a contract, shall be
24 made a part of a file or record and retained by the director of purchases for
25 five years, unless reproduced as provided in K.S.A. 75-3737, and
26 amendments thereto, and shall be open to public inspection at all
27 reasonable times.

28 (g) As used in this section:

29 (1) "Certified business" means any business certified as provided by
30 subsection (l) by the department of administration that is a sole
31 proprietorship, partnership, association or corporation domiciled in
32 Kansas, or any corporation, even if a wholly owned subsidiary of a foreign
33 corporation, that:

34 (A) Does business primarily in Kansas or substantially all of its
35 production in Kansas;

36 (B) employs at least 10% of its employees who are individuals with
37 disabilities and reside in Kansas;

38 (C) offers to contribute at least 75% of the premium cost for
39 individual health insurance coverage for each employee. The department
40 of administration shall require a certification of these facts as a condition
41 to the certified business being awarded a contract pursuant to subsection
42 (b); and

43 (D) does not employ individuals under a certificate issued by the

1 United States secretary of labor under 29 U.S.C. § 214(c);

2 (2) "individuals with disabilities" or "individual with a disability"
3 means any individual who:

4 (A) Is certified by the Kansas department for aging and disability
5 services or by the Kansas department for children and families which
6 administers the rehabilitation services program as having a physical or
7 mental impairment that constitutes a substantial barrier to employment;

8 (B) works a minimum number of hours per week for a certified
9 business necessary to qualify for health insurance coverage offered
10 pursuant to subsection (g)(1); and

11 (C) (i) is receiving services, has received services or is eligible to
12 receive services under a home and community based services program, as
13 defined by K.S.A. 39-7,100, and amendments thereto;

14 (ii) is employed by a charitable organization domiciled in the state of
15 Kansas and exempt from federal income taxation pursuant to section
16 501(c)(3) of the federal internal revenue code of 1986, as amended; or

17 (iii) is an individual with a disability pursuant to the disability
18 standards established by the social security administration as determined
19 by the Kansas disability determination services under the Kansas
20 department for children and families;

21 (3) "physical or mental impairment" means:

22 (A) Any physiological disorder or condition, cosmetic disfigurement
23 or anatomical loss substantially affecting one or more of the following
24 body systems:

25 (i) Neurological;

26 (ii) musculoskeletal;

27 (iii) special sense organs;

28 (iv) respiratory, including speech organs;

29 (v) cardiovascular;

30 (vi) reproductive;

31 (vii) digestive;

32 (viii) genitourinary;

33 (ix) hemic and lymphatic;

34 (x) skin; or

35 (xi) endocrine; or

36 (B) any mental or psychological disorder, such as intellectual
37 disability, organic brain syndrome, mental illness and specific learning
38 disabilities. ~~The term "Physical or mental impairment" includes, but is not~~
39 limited to, orthopedic, visual, language and hearing disorders, cerebral
40 palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual
41 disability; ~~and~~

42 (4) "project architect" means the same as defined in K.S.A. 75-1251,
43 and amendments thereto;

1 (5) "disabled veteran" means a person verified by the Kansas
2 ~~commission on veterans affairs~~ office *of veterans services* to have served
3 in the armed forces of the United States and who is entitled to
4 compensation for a service-connected disability, according to the laws
5 administered by the United States department of veterans affairs, or who is
6 entitled to compensation for the loss, or permanent loss of use, of one or
7 both feet or one or both hands, or for permanent visual impairment of both
8 eyes to a prescribed degree; *and*

9 (6) "disabled veteran business" means a business certified annually
10 by the department of administration that is a sole proprietorship,
11 partnership, association or corporation domiciled in Kansas, or any
12 corporation, even if a wholly owned subsidiary of a foreign corporation,
13 and is verified by the Kansas ~~commission on veterans affairs~~ office *of*
14 *veterans services* that:

15 (A) Not less than 51% is owned by one or more disabled veterans or,
16 in the case of a publicly owned business, not less than 51% of the stock is
17 owned by one or more disabled veterans;

18 (B) the management and daily business operations are controlled by
19 one or more disabled veterans; and

20 (C) such business maintains the requirements of subparagraphs (A)
21 and (B) during the entire contract term.

22 (h) Any state agency authorized by the director of purchases to make
23 purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall
24 consider any unsolicited proposal for goods or services under this section.

25 (i) The secretary of administration and the secretary for aging and
26 disability services, jointly, shall adopt rules and regulations as necessary to
27 effectuate the purpose of this section.

28 (j) At the beginning of each regular session of the legislature, the
29 secretary of administration and the secretary for aging and disability
30 services shall submit to the social services budget committee of the house
31 of representatives and the appropriate subcommittee of the committee on
32 ways and means of the senate, a written report on the number of:

33 (1) Certified businesses certified by the department of administration
34 during the previous fiscal year;

35 (2) certified businesses awarded contracts pursuant to subsection (b)
36 during the previous fiscal year;

37 (3) contracts awarded pursuant to subsection (b) to each certified
38 business during the previous fiscal year;

39 (4) individuals with disabilities removed from, reinstated to or not
40 reinstated to home and community based services or other medicaid
41 program services during the previous fiscal year as a result of employment
42 with a certified business;

43 (5) individuals employed by each certified business during the

1 previous fiscal year; and

2 (6) individuals with disabilities employed by each certified business
3 during the previous fiscal year.

4 (k) When a state agency is receiving bids to purchase passenger
5 motor vehicles, such agency shall follow the procedures prescribed in
6 subsection (c)(2), except in the case where one of the responsible bidders
7 offers motor vehicles that are assembled in Kansas. In such a case, 3% of
8 the bid of the responsible bidder that offers motor vehicles assembled in
9 Kansas shall be subtracted from the bid amount, and that amount shall be
10 used to determine the lowest bid pursuant to subsection (c)(2). This
11 subsection shall only apply to bids that match the exact motor vehicle
12 specifications of the agency purchasing passenger motor vehicles.

13 (l) The secretary of administration shall certify that a business meets
14 the requirements for a certified business as defined in subsection (g), and
15 shall recertify such business as having met such requirements every three
16 years thereafter.

17 Sec. 34. K.S.A. 75-4362 is hereby amended to read as follows: 75-
18 4362. (a) The director of the division of personnel services of the
19 department of administration shall have the authority to establish and
20 implement a drug screening program for persons taking office as governor,
21 lieutenant governor, attorney general or members of the Kansas senate or
22 house of representatives and for applicants for safety sensitive positions in
23 state government, but no applicant for a safety sensitive position shall be
24 required to submit to a test as a part of this program unless the applicant is
25 first given a conditional offer of employment.

26 (b) The director also shall have the authority to establish and
27 implement a drug screening program based upon a reasonable suspicion of
28 illegal drug use by any person currently holding one of the following
29 positions or offices:

30 (1) The office of governor, lieutenant governor or attorney general;

31 (2) members of the Kansas senate or house of representatives;

32 (3) any safety sensitive position;

33 (4) any position in an institution of mental health, as defined in
34 K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive
35 position;

36 (5) any position in the Kansas state school for the blind, as
37 established under K.S.A. 76-1101 et seq., and amendments thereto; or

38 (6) any position in the Kansas state school for the deaf, as established
39 under K.S.A. 76-1001 et seq., and amendments thereto.

40 (c) Any public announcement or advertisement soliciting applications
41 for employment in a safety sensitive position in state government shall
42 include a statement of the requirements of the drug screening program
43 established under this section for applicants for and employees holding a

1 safety sensitive position.

2 (d) Except for a person who has access to a secured biological
3 laboratory in the office of laboratory services of the department of health
4 and environment, no person shall be terminated solely due to positive
5 results of a test administered as a part of a program authorized by this
6 section if:

7 (1) The employee has not previously had a valid positive test result;
8 and

9 (2) the employee undergoes a drug evaluation and successfully
10 completes any education or treatment program recommended as a result of
11 the evaluation. Nothing herein shall be construed as prohibiting demotions,
12 suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and
13 amendments thereto.

14 (e) Except in hearings before the state civil service board regarding
15 disciplinary action taken against the employee, the results of any test
16 administered as a part of a program authorized by this section shall be
17 confidential and shall not be disclosed publicly.

18 (f) The secretary of administration may adopt such rules and
19 regulations as necessary to carry out the provisions of this section.

20 (g) "Safety sensitive positions" means the following:

21 (1) All state law enforcement officers who are authorized to carry
22 firearms;

23 (2) all state corrections officers;

24 (3) all state parole officers;

25 (4) heads of state agencies who are appointed by the governor and
26 employees on the governor's staff;

27 (5) all employees with access to secure facilities of a correctional
28 institution, as defined in K.S.A. 21-5914, and amendments thereto;

29 (6) all employees of a juvenile correctional facility, as defined in
30 K.S.A. 38-2302, and amendments thereto;

31 (7) all employees within an institution of mental health, as defined in
32 K.S.A. 76-12a01, and amendments thereto, who provide clinical,
33 therapeutic or habilitative services to the clients and patients of those
34 institutions;

35 (8) all employees who have access to a secured biological laboratory
36 in the office of laboratory services of the department of health and
37 environment; and

38 (9) all employees of the ~~Kansas commission on veterans affairs~~ office
39 *of veterans services*.

40 Sec. 35. K.S.A. 76-6b05 is hereby amended to read as follows: 76-
41 6b05. (a) All moneys received by the state treasurer under K.S.A. 76-6b04,
42 and amendments thereto, shall be credited to the state institutions building
43 fund, which is hereby created in the state treasury, to be used for the

1 construction, reconstruction, equipment and repair of buildings and
2 grounds at institutions specified in K.S.A. 76-6b04, and amendments
3 thereto, and for payment of debt service on revenue bonds issued to
4 finance such projects, all subject to appropriation by the legislature.

5 (b) Subject to any restrictions imposed by appropriation acts, the
6 juvenile justice authority is authorized to pledge funds appropriated to it
7 from the state institutions building fund or from any other source and
8 transferred to a special revenue fund of the juvenile justice authority
9 specified by statute for the payment of debt service on revenue bonds
10 issued for the purposes set forth in subsection (a). Subject to any
11 restrictions imposed by appropriation acts, the juvenile justice authority is
12 also authorized to pledge any funds appropriated to it from the state
13 institutions building fund or from any other source and transferred to a
14 special revenue fund of the juvenile justice authority specified by statute as
15 a priority for the payment of debt service on such revenue bonds. Neither
16 the state or the juvenile justice authority shall have the power to pledge the
17 faith and credit or taxing power of the state of Kansas for such purposes
18 and any payment by the juvenile justice authority for such purposes shall
19 be subject to and dependent on appropriations being made from time to
20 time by the legislature. Any obligation of the juvenile justice authority for
21 payment of debt service on revenue bonds and any such revenue bonds
22 issued for the purposes set forth in subsection (a) shall not be considered a
23 debt or obligation of the state for the purpose of section 6 of article 11 of
24 the constitution of the state of Kansas.

25 (c) Subject to any restrictions imposed by appropriation acts, the
26 Kansas department for aging and disability services is authorized to pledge
27 funds appropriated to it from the state institutions building fund or from
28 any other source and transferred to a special revenue fund of the Kansas
29 department for aging and disability services specified by statute for the
30 payment of debt service on revenue bonds issued for a new state security
31 hospital on the Larned state hospital grounds or any other capital
32 improvement projects at any other institution or facility of the Kansas
33 department for aging and disability services. Subject to any restrictions
34 imposed by appropriation acts, the Kansas department for aging and
35 disability services is also authorized to pledge any funds appropriated to it
36 from the state institutions building fund or from any other source and
37 transferred to a special revenue fund of the Kansas department for aging
38 and disability services specified by statute as a priority for the payment of
39 debt service on such revenue bonds. Neither the state or the Kansas
40 department for aging and disability services shall have the power to pledge
41 the faith and credit or taxing power of the state of Kansas for such
42 purposes and any payment by the Kansas department for aging and
43 disability services for such purposes shall be subject to and dependent on

1 appropriations being made from time to time by the legislature. Any
2 obligation of the Kansas department for aging and disability services for
3 payment of debt service on revenue bonds and any such revenue bonds
4 issued for a new state security hospital on the Larned state hospital
5 grounds or any other capital improvement projects at any other institution
6 or facility of the Kansas department for aging and disability services shall
7 not be considered a debt or obligation of the state for the purpose of
8 section 6 of article 11 of the constitution of the state of Kansas.

9 (d) Subject to any restrictions imposed by appropriation acts, the
10 director of the Kansas ~~commission on veterans affairs~~ office of *veterans*
11 *services* is authorized to pledge funds appropriated to it from the state
12 institutions building fund or from any other source and transferred to a
13 special revenue fund of the Kansas ~~commission on veterans affairs~~ office
14 of *veterans services* specified by statute for the payment of debt service on
15 revenue bonds issued for veterans' home HVAC system replacement.
16 Subject to any restrictions imposed by appropriation acts, the director of
17 the Kansas ~~commission on veterans affairs~~ office of *veterans services* is
18 also authorized to pledge any funds appropriated to it from the state
19 institutions building fund or from any other source and transferred to a
20 special revenue fund of the Kansas ~~commission on veterans affairs~~ office
21 of *veterans services* specified by statute as a priority for the payment of
22 debt service on such revenue bonds. Neither the state nor the director of
23 the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall
24 have the power to pledge the faith and credit or taxing power of the state
25 of Kansas for such purposes and any payment by the Kansas ~~commission~~
26 ~~on veterans affairs~~ office of *veterans services* for such purposes shall be
27 subject to and dependent on appropriations being made from time to time
28 by the legislature. Any obligation of the Kansas ~~commission on veterans~~
29 ~~affairs~~ office of *veterans services* for payment of debt service on revenue
30 bonds and any such revenue bonds issued for veterans' home HVAC
31 system replacement shall not be considered a debt or obligation of the state
32 for the purpose of section 6 of article 11 of the constitution of the state of
33 Kansas.

34 Sec. 36. K.S.A. 76-1904 is hereby amended to read as follows: 76-
35 1904. (a) The director of the Kansas ~~commission on veterans affairs~~ office
36 of *veterans services* shall have full control of the Kansas soldiers' home,
37 the property, effects, supervision and management thereof.

38 (b) A superintendent of the Kansas soldiers' home shall be appointed
39 by the director of the Kansas ~~commission on veterans affairs~~ office of
40 *veterans services* in accordance with K.S.A. 73-1210a, and amendments
41 thereto.

42 Sec. 37. K.S.A. 76-1904a is hereby amended to read as follows: 76-
43 1904a. The director of the Kansas ~~commission on veterans affairs~~ office of

1 *veterans services* shall establish rates of charges to be made to members
2 and patients of the Kansas soldiers' home. Such charges shall not exceed
3 an amount equal to the per diem cost of care for the preceding year or the
4 charge made against patients under K.S.A. 59-2006, and amendments
5 thereto, whichever is the smaller. No action shall be commenced by the
6 director of the ~~Kansas commission on veterans affairs~~ office of *veterans*
7 *services* against a member or patient or the estate of a member or patient
8 for the recovery of any such charges unless such action is commenced
9 within five years after the date such charges are incurred. Such director
10 may compromise and settle any claim for charges hereunder, and may,
11 upon payment of a valuable consideration by the member or patient or his
12 or her estate, discharge and release such member, patient or estate of any
13 or all past liability incurred hereunder. Whenever the director shall
14 negotiate a compromise agreement to settle any claim due or claim to be
15 due from a member or a patient or his or her estate, no action shall
16 thereafter be brought or claim made for any amounts due for charges
17 incurred prior to the effective date of the agreement entered into, except
18 for the amounts provided for in the agreement. Nothing in this act shall be
19 deemed to extend the period specified in K.S.A. 59-2239, and amendments
20 thereto, for the purposes therein specified.

21 Sec. 38. K.S.A. 76-1906 is hereby amended to read as follows: 76-
22 1906. The superintendent of the Kansas soldiers' home shall remit all
23 moneys received by or for the superintendent under article 19 of chapter
24 76 of the Kansas Statutes Annotated, and amendments thereto, and all
25 moneys received from the United States veterans administration for
26 reimbursements for the care of residents to the state treasurer in
27 accordance with the provisions of K.S.A. 75-4215, and amendments
28 thereto. Upon receipt of each such remittance, the state treasurer shall
29 deposit the entire amount in the state treasury to the credit of the soldiers'
30 home fee fund. All expenditures from such fund shall be made in
31 accordance with appropriation acts upon warrants of the director of
32 accounts and reports issued pursuant to vouchers approved by the director
33 of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or
34 by a person or persons designated by the director.

35 Sec. 39. K.S.A. 76-1908 is hereby amended to read as follows: 76-
36 1908. (a) The following, subject to the rules and regulations that may be
37 adopted by the director of the ~~Kansas commission on veterans affairs~~
38 office of *veterans services* for the management and government of the
39 Kansas soldiers' home, shall be eligible to admission to the Kansas
40 soldiers' home:

41 (1) Any person who served in the active military service of the
42 United States during any period of war, or who served in the active
43 military service of the United States during peacetime and is entitled to

1 veterans administration hospitalization or domiciliary care under title 38,
2 United States code and veterans administration rules and regulations, and
3 who has been discharged or relieved therefrom under conditions other than
4 dishonorable, who may be disabled by disease, wounds, old age or
5 otherwise disabled, and who, by reason of such disability, is incapacitated
6 from earning a living.

7 (2) The widow, mother, widower, father or minor child of any person
8 who qualified under ~~paragraph (1)~~ of subsection (a)(1), if such widow,
9 mother, widower, father or minor child is incapable of self-support because
10 of physical disability.

11 (b) No person shall be admitted to the soldiers' home except upon
12 application to the ~~Kansas commission on veterans affairs~~ office of
13 *veterans services* and approval of the application by the director. No
14 applicant shall be admitted to the soldiers' home who has not been an
15 actual resident of the state of Kansas for at least two years next preceding
16 the date of application.

17 (c) No person shall be admitted to or retained in the soldiers' home
18 who has been convicted of a felony, unless the director of the Kansas
19 ~~commission on veterans affairs~~ office of *veterans services* finds that such
20 person has been adequately rehabilitated and is not dangerous to oneself or
21 to the person or property of others.

22 (d) No child shall be admitted to or retained in the soldiers' home who
23 is 16 years of age or over, unless such child is incapable of supporting
24 oneself.

25 (e) No child properly a member of the home shall be discharged
26 under 16 years of age.

27 (f) The director of the ~~Kansas commission on veterans affairs~~ office
28 of *veterans services* shall have authority by resolution to discharge any
29 member from the soldiers' home on a showing that the member has gained
30 admittance into the soldiers' home by misrepresentation of the member's
31 financial or physical condition, or a showing that the financial or physical
32 condition of such member has been so altered since admittance so that the
33 further maintenance of the member in the soldiers' home is not justified.
34 No such member shall be discharged without notice and opportunity to be
35 heard in accordance with the provisions of the Kansas administrative
36 procedure act.

37 (g) The rules and regulations for admission of members to the Kansas
38 soldiers' home *shall require that*:

39 (1) ~~Shall require that~~ A veteran who has no adequate means of
40 support, and such members of the family as are dependent upon such
41 person for support, shall be given priority over other applicants for
42 admission; and

43 (2) ~~shall require that~~ an applicant for admission be given priority over

1 patients transferred from state institutions under the provisions of K.S.A.
2 76-1936, and amendments thereto.

3 Sec. 40. K.S.A. 76-1927 is hereby amended to read as follows: 76-
4 1927. The director of the Kansas ~~commission on veterans affairs~~ office of
5 *veterans services* shall have the authority to establish rules and regulations
6 for the management and operation of the Kansas soldiers' home and
7 governing conduct and discipline of the members of and other persons in
8 the Kansas soldiers' home. Such rules and regulations shall be filed with
9 the secretary of state as provided by law.

10 Sec. 41. K.S.A. 76-1928 is hereby amended to read as follows: 76-
11 1928. The director of the Kansas ~~commission on veterans affairs~~ office of
12 *veterans services* or the superintendent of the Kansas soldiers' home shall
13 enforce such rules and regulations and may furlough any member for
14 violation of such rules.

15 Sec. 42. K.S.A. 76-1929 is hereby amended to read as follows: 76-
16 1929. The director of the Kansas ~~commission on veterans affairs~~ office of
17 *veterans services* may discharge any member who violates such rules and
18 regulations, except that no member shall be discharged without notice to
19 such member and a right to be heard concerning such charges in
20 accordance with the provisions of the Kansas administrative procedure act.

21 Sec. 43. K.S.A. 76-1931 is hereby amended to read as follows: 76-
22 1931. If any member of such soldiers' home shall refuse to vacate the
23 premises upon receiving a furlough from the officers designated to enforce
24 the rules and regulations, such refusal shall constitute a forfeiture of such
25 person's right to remain in the home and such member shall be ~~forthwith~~
26 *immediately* discharged by the director of the Kansas ~~commission on~~
27 *veterans affairs* office of *veterans services*.

28 Sec. 44. K.S.A. 76-1932 is hereby amended to read as follows: 76-
29 1932. If any member shall refuse to vacate the premises upon being
30 discharged by the director of the Kansas ~~commission on veterans affairs~~
31 office of *veterans services*, such member shall forfeit such member's right
32 to subsistence and rations for the member and the member's dependents, if
33 any, and the director of the Kansas ~~commission on veterans affairs~~ office
34 of *veterans services* shall institute legal proceedings to force such member
35 to vacate the premises.

36 Sec. 45. K.S.A. 76-1935 is hereby amended to read as follows: 76-
37 1935. The director of the Kansas ~~commission on veterans affairs~~ office of
38 *veterans services* shall designate a person at the Kansas soldiers' home
39 who shall be in charge of the member funds at such soldiers' home. ~~The~~
40 *Such person so designated* shall have custody and charge of all moneys
41 belonging to the members, or persons attending the Kansas soldiers' home,
42 which are held for their use, benefit and burial. The director of the Kansas
43 ~~commission on veterans affairs~~ office of *veterans services* shall designate

1 the bank or banks, in which such moneys shall be deposited.

2 Sec. 46. K.S.A. 76-1935a is hereby amended to read as follows: 76-
3 1935a. (a) The custodian of the members and patients trust fund at the
4 Kansas soldiers' home shall notify the director of the ~~Kansas-commission~~
5 ~~on-veterans-affairs~~ office of *veterans services* of any moneys which are
6 under the custodian's charge belonging to members who have died
7 intestate, without known heirs or designated beneficiaries for funds on
8 deposit, and the director shall publish a notice for two consecutive weeks
9 in the Kansas register which shall state the name of each deceased
10 member, their last known home address and the amount of the deposit
11 remaining in the account of such former member; and such notice shall
12 further state that unless interested persons appear and file a legitimate
13 claim within one year after the date of the last publication of such notice,
14 such amount or amounts will be transferred to the general fees fund of the
15 soldiers' home to help defray unrecovered costs connected with the
16 maintenance and operation of the soldiers' home and for accounting,
17 auditing, budgeting, legal, payroll, personnel and purchasing services
18 which are performed on behalf of such agency by other state agencies.

19 (b) Unless a party entitled thereto shall make claim within the time
20 stated in the notice, the balance in any former member's fund as so
21 published for which no claim is made as prescribed herein shall be
22 transferred as ~~hereinabove~~ provided in subsection (a). Thereafter, unless a
23 claim is filed with the director of the ~~Kansas-commission-on-veterans-~~
24 ~~affairs~~ office of *veterans services* within two years after such transfer is
25 made, no claim may be made or filed for such former member's fund,
26 except that a person under legal disability during the two-year period may
27 file a claim within one year after removal of the disability. The director of
28 the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* is
29 hereby authorized to make payments to claimants it shall determine are
30 entitled thereto, if such claims otherwise comply with the terms of this act,
31 and such payments shall be authorized from the general fees fund of the
32 Kansas soldiers' home to which the former members funds were
33 transferred.

34 Sec. 47. K.S.A. 76-1936 is hereby amended to read as follows: 76-
35 1936. (a) The commissioner of community services and programs of the
36 Kansas department for aging and disability services, with the approval of
37 the secretary for aging and disability services and the director of the
38 ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services*, may
39 transfer patients in the state hospitals at Osawatomie and Larned and
40 patients in the Rainbow mental health facility and the Parsons state
41 hospital and training center who have served in the military or naval forces
42 of the United States or whose husband, wife, father, son or daughter has
43 served in the active military or naval service of the United States during

1 any period of any war as defined in K.S.A. 76-1908, and amendments
2 thereto, and who was discharged or relieved therefrom under conditions
3 other than dishonorable, to the Kansas soldiers' home. No patient who is
4 such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments*
5 *thereto*, in the opinion of the commissioner of ~~mental health and~~
6 ~~developmental disabilities~~ *state hospitals*, that because of such patient's
7 illness such patient is likely to injure themselves or others, shall be ~~so~~
8 transferred to such Kansas soldiers' home, and no such patient shall be ~~so~~
9 transferred if such transfer will deny admission to persons entitled to
10 admission under K.S.A. 76-1908, and amendments thereto, and rules and
11 regulations promulgated thereunder. Persons ~~so~~ transferred shall not be
12 considered as members of the Kansas soldiers' home but shall be
13 considered as patients therein.

14 (b) All of the laws, rules and regulations relating to patients in ~~the~~
15 ~~above-specified~~ state hospitals and mental health facility *specified in*
16 *subsection (a)* shall be applicable to such patients ~~so~~ transferred ~~insofar as~~
17 ~~the same can be made applicable under subsection (a).~~ Any patient ~~so~~
18 transferred who is found to be or shall become such a mentally ill person,
19 *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of
20 the commissioner of ~~mental health and developmental disabilities~~ *state*
21 *hospitals*, that because of such patient's illness such patient is likely to
22 injure themselves or others or who is determined to need additional
23 psychiatric treatment, shall be retransferred by the superintendent of the
24 Kansas soldiers' home, with the approval of the commissioner of ~~mental~~
25 ~~health and developmental disabilities~~ *state hospitals* and the director of the
26 Kansas ~~commission on veterans affairs~~ *office of veterans services*, to the
27 institution from whence the patient was originally transferred.

28 Sec. 48. K.S.A. 76-1939 is hereby amended to read as follows: 76-
29 1939. The Kansas ~~commission on veterans affairs~~ *office of veterans*
30 *services* shall not engage in farming operations on the farm land which are
31 part of the lands of the Kansas soldiers' home except that the Kansas
32 ~~commission on veterans affairs~~ *office of veterans services* may engage in
33 and permit vegetable gardening on a portion of such lands. All such farm
34 lands not needed or used for vegetable gardening shall be rented or leased,
35 for a period not to exceed five years, by the Kansas ~~commission on~~
36 ~~veterans affairs~~ *office of veterans services*, except that if the Kansas state
37 university of agriculture and applied science shall request that such lands
38 be rented or leased to it for agricultural experimental purposes, it shall be
39 given preference when such lands are rented or leased. Any such rental or
40 lease agreement shall not include any buildings or improvements other
41 than irrigation pumps and facilities. All moneys derived from the lease or
42 rental of such farm lands shall be remitted to the state treasurer in
43 accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury to the credit of the Kansas
3 soldiers' home and Mother Bickerdyke annex fee fund for the use of such
4 soldiers' home.

5 Sec. 49. K.S.A. 76-1941 is hereby amended to read as follows: 76-
6 1941. (a) The director of the ~~Kansas-commission-on-veterans-affairs~~ office
7 *of veterans services* may enter into a written contract with any individual
8 who is eligible for admission to the Kansas soldiers' home under K.S.A.
9 76-1908, and amendments thereto, to authorize the construction of a
10 single-family dwelling for use as a home for such individual and such
11 individual's family members on the real property of the Kansas soldiers'
12 home in accordance with rules and regulations adopted by the director of
13 the ~~Kansas-commission-on-veterans-affairs~~ office *of veterans services*
14 under this section. Each such dwelling shall be constructed and
15 maintained:

16 (1) At the expense of the individual entering into a contract with the
17 director under this section, including any required sewer, water and utility
18 connections;

19 (2) at a location on the real property of the Kansas soldiers' home
20 approved in accordance with rules and regulations adopted by the director
21 under this section; and

22 (3) in accordance with the building design, construction and materials
23 standards as authorized or prescribed by rules and regulations adopted by
24 the director under this section.

25 (b) The director of the ~~Kansas-commission-on-veterans-affairs~~ office
26 *of veterans services* shall grant a life estate to each individual who enters
27 into a contract under this section and who constructs a dwelling at the
28 Kansas soldiers' home in accordance with this section and the rules and
29 regulations adopted by the director under this section. The life estate shall
30 be for the dwelling and the tract of real property that the dwelling is
31 constructed on, as specified in the contract entered into under this section,
32 for the life of the individual and the lives of such individual's family
33 members who are residing in the dwelling. Each life estate granted by the
34 director under this section shall be approved as to form and legality by the
35 attorney general.

36 (c) At the end of each life estate granted under this section, the
37 dwelling and real estate which is the subject of the life estate shall revert to
38 the Kansas soldiers' home and such dwelling and real estate shall be used
39 for housing of veterans and other eligible individuals admitted to the
40 Kansas soldiers' home as provided by statute.

41 (d) The director of the ~~Kansas-commission-on-veterans-affairs~~ office
42 *of veterans services* shall adopt rules and regulations prescribing policies
43 and procedures for the construction and maintenance of single-family

1 dwellings on the real estate of Kansas soldiers' home, prescribing building
2 design, construction and materials standards for such dwellings, and for
3 such other matters as may be required for the implementation and
4 administration of this section. No rule and regulation shall be adopted by
5 the director of the Kansas ~~commission on veterans affairs~~ office of
6 *veterans services* under this subsection unless the director of the Kansas
7 ~~commission on veterans affairs~~ office of *veterans services* first has advised
8 and consulted with the joint committee on state building construction and
9 has presented such proposed rule and regulation to the joint committee on
10 state building construction.

11 (e) As used in this section, "family members" includes the spouse of
12 an individual who has entered into a contract under this section, the widow
13 or widower of an individual who has entered into a contract under this
14 section, and the mother, father or minor child of an individual who has
15 entered into a contract under this section, if such mother, father or minor
16 child is incapable of self-support because of physical disability.

17 Sec. 50. K.S.A. 76-1951 is hereby amended to read as follows: 76-
18 1951. (a) ~~On and after January 1, 1998, The Kansas commission on~~
19 ~~veterans affairs~~ office of *veterans services* shall operate a Kansas veterans'
20 home to be located on the grounds of Winfield state hospital and training
21 center. The director of the Kansas ~~commission on veterans affairs~~ office of
22 *veterans services* and the secretary for aging and disability services shall
23 enter into an agreement concerning property, premises, facilities,
24 installations, equipment and records of Winfield state hospital and training
25 center which will be transferred to the director of the Kansas ~~commission~~
26 ~~on veterans affairs~~ office of *veterans services* for the purpose of
27 establishing and operating the Kansas veterans' home. The agreement shall
28 establish the timing of any such transfers. Any conflict as to the proper
29 disposition of property or records arising under this section shall be
30 determined by the governor, whose decision shall be final.

31 (b) The director of the Kansas ~~commission on veterans affairs~~ office
32 of *veterans services* shall have full control of the Kansas veterans' home,
33 the property, effects, supervision and management of the home.

34 (c) The director of the Kansas ~~commission on veterans affairs~~ office
35 of *veterans services* may enter into an agreement with the United States
36 department of veterans affairs for the use and operation of the nursing care
37 unit of the Wichita veterans administration medical center in Wichita,
38 Kansas, as a long-term care unit of the Kansas veterans' home, which shall
39 be known as the Kansas veterans' home long-term care annex. The Kansas
40 veterans' home long-term care annex shall be operated as a part of the
41 Kansas veterans' home and shall be construed to be part of the Kansas
42 veterans' home for all purposes under statutes governing or referring to the
43 Kansas veterans' home.

1 (d) A superintendent of the Kansas veterans' home shall be appointed
2 by the director of the Kansas ~~commission on veterans affairs~~ office of
3 *veterans services* in accordance with K.S.A. 73-1210a, and amendments
4 thereto.

5 Sec. 51. K.S.A. 76-1952 is hereby amended to read as follows: 76-
6 1952. The director of the Kansas ~~commission on veterans affairs~~ office of
7 *veterans services* shall establish rates of charges to be made to members
8 and patients of the Kansas veterans' home. The charges in the first year of
9 operation of the Kansas veterans' home shall not exceed an amount equal
10 to the per diem cost of care for the Kansas soldiers' home for the preceding
11 year or the charge made against patients under K.S.A. 59-2006, and
12 amendments thereto, whichever is less, and thereafter the charges shall not
13 exceed an amount equal to the per diem cost of care for the Kansas
14 veterans' home for the preceding year or the charge made against patients
15 under K.S.A. 59-2006, and amendments thereto, whichever is the lesser
16 amount. No action shall be commenced by the director of the Kansas
17 ~~commission on veterans affairs~~ office of *veterans services* against a
18 member or patient or the estate of a member or patient for the recovery of
19 any such charges unless such action is commenced within five years after
20 the date such charges are incurred. The director of the Kansas ~~commission~~
21 ~~on veterans affairs~~ office of *veterans services* may compromise and settle
22 any claim for charges under this section, and may, upon payment of a
23 valuable consideration by the member or patient or the estate of the
24 member or patient, discharge and release such member, patient or estate of
25 any or all past liability incurred under this section due or claim to be due
26 from a member or a patient or the estate of the member or patient, no
27 action shall thereafter be brought or claim made for any amounts due for
28 charges incurred prior to the effective date of the agreement entered into,
29 except for the amounts provided for in the agreement. Nothing in this act
30 shall be deemed to extend the period specified in K.S.A. 59-2239, and
31 amendments thereto, for the purposes therein specified.

32 Sec. 52. K.S.A. 76-1953 is hereby amended to read as follows: 76-
33 1953. The superintendent of the Kansas veterans' home shall remit all
34 moneys received by or for the superintendent under this act and all moneys
35 received from the United States department of veterans affairs for
36 reimbursements for the care of residents to the state treasurer in
37 accordance with the provisions of K.S.A. 75-4215, and amendments
38 thereto. Upon receipt of each such remittance, the state treasurer shall
39 deposit the entire amount in the state treasury to the credit of the veterans'
40 home fee fund which is hereby created. All expenditures from such fund
41 shall be made in accordance with appropriation acts upon warrants of the
42 director of accounts and reports issued pursuant to vouchers approved by
43 the director of the Kansas ~~commission on veterans affairs~~ office of

1 *veterans services* or by a person or persons designated by the director.

2 Sec. 53. K.S.A. 76-1954 is hereby amended to read as follows: 76-
3 1954. (a) The following, subject to the rules and regulations that may be
4 adopted by the director of the Kansas ~~commission on veterans affairs~~
5 office *of veterans services* for the management and government of the
6 Kansas veterans' home, shall be eligible to admission to the Kansas
7 veterans' home:

8 (1) Any person who served in the active military service of the
9 United States during any period of war, or who served in the active
10 military service of the United States during peacetime and is entitled to
11 veterans affairs hospitalization or domiciliary care under title 38 of the
12 United States code and federal veterans affairs rules and regulations, and
13 who has been discharged or relieved therefrom under conditions other than
14 dishonorable, who may be disabled by disease, wounds, old age or
15 otherwise disabled, and who, by reason of such disability, is incapacitated
16 from earning a living; and

17 (2) the widow, mother, widower, father or minor child of any person
18 who qualified under ~~paragraph (1) of subsection (a)(1)~~, if such widow,
19 mother, widower, father or minor child is incapable of self-support because
20 of physical disability.

21 (b) No person shall be admitted to the veterans' home except upon
22 application to the Kansas ~~commission on veterans affairs~~ office *of*
23 *veterans services* and approval of the application by the director of the
24 Kansas ~~commission on veterans affairs~~ office *of veterans services*. No
25 applicant shall be admitted to the veterans' home who has not been an
26 actual resident of the state of Kansas for at least two years next preceding
27 the date of application.

28 (c) No person shall be admitted to or retained in the veterans' home
29 who has been convicted of a felony, unless the director of the Kansas
30 ~~commission on veterans affairs~~ office *of veterans services* finds that such
31 person has been adequately rehabilitated and is not dangerous to oneself or
32 to the person or property of others.

33 (d) No child shall be admitted to or retained in the veterans' home
34 who is 16 years of age or over, unless such child is incapable of supporting
35 oneself.

36 (e) No child properly a member of the veterans' home shall be
37 discharged under 16 years of age.

38 (f) The director of the Kansas ~~commission on veterans affairs~~ office
39 *of veterans services* shall have authority by resolution to discharge any
40 member from the veterans' home on a showing that the member has gained
41 admittance into the veterans' home by misrepresentation of the member's
42 financial or physical condition, or a showing that the financial or physical
43 condition of such member has been so altered since admittance so that the

1 further maintenance of the member in the veterans' home is not justified.
2 No such member shall be discharged without notice and opportunity to be
3 heard in accordance with the provisions of the Kansas administrative
4 procedure act.

5 (g) The rules and regulations for admission of members to the Kansas
6 veterans' home:

7 (1) Shall require that a veteran who has no adequate means of
8 support, and such members of the family as are dependent upon such
9 person for support, shall be given priority over other applicants for
10 admission; and

11 (2) shall require that an applicant for admission be given priority over
12 patients transferred from state institutions under the provisions of K.S.A.
13 76-1958, and amendments thereto.

14 Sec. 54. K.S.A. 76-1955 is hereby amended to read as follows: 76-
15 1955. (a) The director of the Kansas ~~commission on veterans affairs~~ office
16 *of veterans services* shall have the authority to establish rules and
17 regulations for the management and operation of the Kansas veterans'
18 home and governing conduct and discipline of the members of and other
19 persons in the Kansas veterans' home. Such rules and regulations shall be
20 filed with the secretary of state as provided by law.

21 (b) The superintendent of the Kansas veterans' home shall enforce
22 such rules and regulations, and the superintendent may furlough any
23 member for violation of such rules.

24 (c) The director of the Kansas ~~commission on veterans affairs~~ office
25 *of veterans services* may discharge any member who violates such rules
26 and regulations, except that no member shall be discharged without notice
27 to such member and a right to be heard concerning such charges in
28 accordance with the provisions of the Kansas administrative procedure act.

29 (d) If any member shall seek an injunction or restraining order to
30 restrain the director of the Kansas ~~commission on veterans affairs~~ office *of*
31 *veterans services* or the officers of such Kansas veterans' home from
32 enforcing such rules and regulations or to restrain disciplinary action,
33 during the pendency of such legal proceedings, such member and the
34 member's dependents, if any, shall not be entitled to draw subsistence or
35 rations as provided for by such home.

36 (e) If any member of such veterans' home shall refuse to vacate the
37 premises upon receiving a furlough from the officers designated to enforce
38 the rules and regulations, such refusal shall constitute a forfeiture of such
39 member's right to remain in the home and such member shall be forthwith
40 discharged by the director of the Kansas ~~commission on veterans affairs~~
41 office *of veterans services*.

42 (f) If any member shall refuse to vacate the premises upon being
43 discharged by the director of the Kansas ~~commission on veterans affairs~~

1 office of veterans services, such member shall forthwith forfeit the
2 member's right to subsistence and rations for such member and
3 dependents, if any, and the director of the Kansas ~~commission on veterans~~
4 ~~affairs~~ office of veterans services shall institute legal proceedings to force
5 such member to vacate the premises.

6 (g) ~~The word~~As used in this section, "member" ~~as used in this act~~
7 ~~shall refer to~~ means any person legally admitted as a member or any
8 dependent of such member, or any person drawing subsistence or quarters
9 in the Kansas veterans' home for any reason whatsoever, except the
10 employees of such veterans' home. ~~The word "Member" shall~~ does not
11 include any person transferred to the veterans' home from any state
12 hospital or training school.

13 Sec. 55. K.S.A. 76-1956 is hereby amended to read as follows: 76-
14 1956. The director of the Kansas ~~commission on veterans affairs~~ office of
15 veterans services shall designate a person at the Kansas veterans' home
16 who shall be in charge of the member funds at such veterans' home. ~~The~~
17 ~~person so designated~~ Such person shall have custody and charge of all
18 moneys belonging to the members, or patients residing in the Kansas
19 veterans' home, which are held for their use, benefit and burial. The
20 director of the Kansas ~~commission on veterans affairs~~ office of veterans
21 services shall designate the bank or banks, in which such moneys shall be
22 deposited.

23 Sec. 56. K.S.A. 76-1957 is hereby amended to read as follows: 76-
24 1957. (a) The custodian of the members and patients trust fund at the
25 Kansas veterans' home shall notify the director of the Kansas ~~commission~~
26 ~~on veterans affairs~~ office of veterans services of any moneys which are
27 under the custodian's charge belonging to members who have died
28 intestate, without known heirs or designated beneficiaries for funds on
29 deposit, and the director shall publish a notice for two consecutive weeks
30 in the Kansas register which shall state the name of each deceased
31 member, their last known home address and the amount of the deposit
32 remaining in the account of such former member; and such notice shall
33 further state that unless interested persons appear and file a legitimate
34 claim therefor within one year after the date of the last publication of such
35 notice, such amount or amounts will be transferred to the general fees fund
36 of the veterans' home to help defray unrecovered costs connected with the
37 maintenance and operation of the veterans' home and for accounting,
38 auditing, budgeting, legal, payroll, personnel and purchasing services
39 which are performed on behalf of such agency by other state agencies.

40 (b) Unless a party entitled thereto makes claim within the time stated
41 in the notice, the balance in any former member's fund as so published for
42 which no claim is made as prescribed in this section shall be transferred as
43 provided in this section. Thereafter, unless a claim is filed with the Kansas

1 ~~commission on veterans affairs~~ office of *veterans services* within two years
2 after such transfer is made, no claim may be made or filed for such former
3 member's fund except that a person under legal disability during the two-
4 year period may file a claim within one year after removal of the disability.
5 The director of the Kansas ~~commission on veterans affairs~~ office of
6 *veterans services* is hereby authorized to make payments to claimants it
7 shall determine are entitled thereto, if such claims otherwise comply with
8 the terms of this act; and such payments shall be authorized from the
9 general fees fund of the Kansas veterans' home to which the former
10 member's funds were transferred.

11 Sec. 57. K.S.A. 76-1958 is hereby amended to read as follows: 76-
12 1958. (a) The commissioner of ~~mental health and developmental~~
13 ~~disabilities state hospitals~~ of the Kansas department for aging and
14 disability services, with the approval of the secretary for aging and
15 disability services and the director of the Kansas ~~commission on veterans~~
16 ~~affairs~~ office of *veterans services*, may transfer patients in the state
17 hospitals in Topeka, Osawatomie and Larned and patients in the Rainbow
18 mental health facility, the Parsons state hospital and training center and the
19 Winfield state hospital and training center who have served in the military
20 or naval forces of the United States or whose husband, wife, father, son or
21 daughter has served in the active military or naval service of the United
22 States during any period of any war as defined in K.S.A. 76-1954, and
23 amendments thereto, and was discharged or relieved therefrom under
24 conditions other than dishonorable, to the Kansas veterans' home. No
25 patient who is such a mentally ill person, *as defined in K.S.A. 59-2946,*
26 *and amendments thereto*, in the opinion of the commissioner of ~~mental~~
27 ~~health and developmental disabilities state hospitals~~, that because of such
28 patient's illness such patient is likely to injure oneself or others shall be so
29 transferred to such Kansas veterans' home, and no such patient shall be so
30 transferred if such transfer will deny admission to persons entitled to
31 admission under K.S.A. 76-1954, and amendments thereto, and rules and
32 regulations promulgated thereunder. Persons ~~so~~ transferred shall not be
33 considered as members of the Kansas veterans' home but shall be
34 considered as patients ~~therein~~.

35 (b) All of the laws, rules and regulations relating to patients in the
36 above-specified state hospitals and mental health facilities shall be
37 applicable to such patients so transferred insofar as the same can be made
38 applicable. Any patient so transferred who is found to be or shall become
39 such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments*
40 *thereto*, in the opinion of the commissioner of ~~mental health and~~
41 ~~developmental disabilities state hospitals~~, that because of such patient's
42 illness such patient is likely to injure oneself or others or who is
43 determined to need additional psychiatric treatment, shall be retransferred

1 by the superintendent of the Kansas veterans' home, with the approval of
2 the commissioner of mental health and developmental disabilities and the
3 director of the ~~Kansas commission on veterans affairs~~ office *of veterans*
4 *services*, to the institution from which the patient was originally
5 transferred.

6 Sec. 58. K.S.A. 2023 Supp. 77-440 is hereby amended to read as
7 follows: 77-440. (a) All rules and regulations adopted by state agencies
8 under the provisions of K.S.A. 77-415 et seq., and amendments thereto,
9 shall be reviewed every five years in accordance with this section.

10 (b) (1) Each state agency that has adopted rules and regulations shall
11 submit a report to the joint committee on administrative rules and
12 regulations on or before July 15 of the year that corresponds to such state
13 agency under paragraph (2). Such report shall contain a summary of such
14 state agency's review and evaluation of rules and regulations adopted by
15 such state agency, including a statement for each rule and regulation as to
16 whether such rule and regulation is necessary for the implementation and
17 administration of state law or may be revoked pursuant to K.S.A. 77-
18 426(d), and amendments thereto.

19 (2) Each state agency that has adopted rules and regulations shall
20 submit a report as required under paragraph (1) in the years that
21 correspond to such state agency as follows:

22 (A) For 2023 and every fifth year thereafter, the following state
23 agencies:

- 24 (i) Department of administration;
- 25 (ii) municipal accounting board;
- 26 (iii) state treasurer;
- 27 (iv) Kansas department of agriculture;
- 28 (v) Kansas department of agriculture—division of water resources;
- 29 (vi) state election board;
- 30 (vii) secretary of state;
- 31 (viii) livestock brand commissioner;
- 32 (ix) Kansas department of agriculture—division of animal health;
- 33 (x) Kansas bureau of investigation;
- 34 (xi) Kansas department of agriculture—division of conservation;
- 35 (xii) agricultural labor relations board;
- 36 (xiii) alcoholic beverage control board of review;
- 37 (xiv) Kansas department of revenue—division of alcoholic beverage
38 control;
- 39 (xv) athletic commission;
- 40 (xvi) attorney general;
- 41 (xvii) office of the state bank commissioner;
- 42 (xviii) employee award board;
- 43 (xix) governmental ethics commission;

- 1 (xx) crime victims compensation board;
2 (xxi) Kansas human rights commission;
3 (xxii) state fire marshal; and
4 (xxiii) Kansas department of wildlife and parks;
5 (B) for 2024 and every fifth year thereafter, the following state
6 agencies:
7 (i) Kansas wheat commission;
8 (ii) Kansas state grain inspection department;
9 (iii) Kansas department for aging and disability services;
10 (iv) Kansas energy office;
11 (v) department of health and environment;
12 (vi) Kansas department for children and families;
13 (vii) park and resources authority;
14 (viii) state salvage board;
15 (ix) Kansas department of transportation;
16 (x) Kansas highway patrol;
17 (xi) savings and loan department;
18 (xii) Kansas turnpike authority;
19 (xiii) insurance department;
20 (xiv) food service and lodging board;
21 (xv) commission on alcoholism;
22 (xvi) corrections ombudsman board;
23 (xvii) department of corrections;
24 (xviii) Kansas prisoner review board;
25 (xix) executive council;
26 (xx) mined-land conservation and reclamation (KDHE);
27 (xxi) department of labor—employment security board of review;
28 (xxii) department of labor;
29 (xxiii) department of labor—division of employment; and
30 (xxiv) department of labor—division of workers compensation;
31 (C) for 2025 and every fifth year thereafter, the following state
32 agencies:
33 (i) State records board;
34 (ii) state library;
35 (iii) board for the registration and examination of landscape
36 architects;
37 (iv) adjutant general's department;
38 (v) state board of nursing;
39 (vi) Kansas board of barbering;
40 (vii) state board of mortuary arts;
41 (viii) board of engineering examiners;
42 (ix) board of examiners in optometry;
43 (x) state board of technical professions;

- 1 (xi) Kansas board of examiners in fitting and dispensing of hearing
- 2 instruments;
- 3 (xii) state board of pharmacy;
- 4 (xiii) Kansas state board of cosmetology;
- 5 (xiv) state board of veterinary examiners;
- 6 (xv) Kansas dental board;
- 7 (xvi) board of examiners of psychologists;
- 8 (xvii) registration and examining board for architects;
- 9 (xviii) board of accountancy;
- 10 (xix) state bank commissioner—consumer and mortgage lending
- 11 division;
- 12 (xx) board of basic science examiners;
- 13 (xxi) Kansas public employees retirement system;
- 14 (xxii) office of the securities commissioner; and
- 15 (xxiii) Kansas corporation commission;
- 16 (D) for 2026 and every fifth year thereafter, the following state
- 17 agencies:
 - 18 (i) Public employee relations board;
 - 19 (ii) abstracters' board of examiners;
 - 20 (iii) Kansas real estate commission;
 - 21 (iv) education commission;
 - 22 (v) state board of regents;
 - 23 (vi) school budget review board;
 - 24 (vii) school retirement board;
 - 25 (viii) state department of education;
 - 26 (ix) Kansas department of revenue;
 - 27 (x) Kansas department of revenue—division of property valuation;
 - 28 (xi) state board of tax appeals;
 - 29 (xii) crop improvement association;
 - 30 (xiii) ~~Kansas commission on veterans' affairs~~ *office of veterans*
 - 31 *services*;
 - 32 (xiv) Kansas water office;
 - 33 (xv) Kansas department of agriculture—division of weights and
 - 34 measures;
 - 35 (xvi) state board of healing arts;
 - 36 (xvii) podiatry board;
 - 37 (xviii) behavioral sciences regulatory board;
 - 38 (xix) state bank commissioner and savings and loan commissioner—
 - 39 joint regulations;
 - 40 (xx) consumer credit commissioner, credit union administrator,
 - 41 savings and loan commissioner and bank commissioner—joint regulations;
 - 42 (xxi) state board of indigents' defense services;
 - 43 (xxii) Kansas commission on peace officers' standards and training;

1 and

2 (xxiii) law enforcement training center; and

3 (E) for 2027 and every fifth year thereafter, the following state
4 agencies:

5 (i) Kansas state employees health care commission;

6 (ii) emergency medical services board;

7 (iii) department of commerce;

8 (iv) Kansas lottery;

9 (v) Kansas racing and gaming commission;

10 (vi) Kansas department of wildlife and parks;

11 (vii) Kansas state fair board;

12 (viii) real estate appraisal board;

13 (ix) state historical society;

14 (x) health care data governing board;

15 (xi) state department of credit unions;

16 (xii) pooled money investment board;

17 (xiii) department of corrections—division of juvenile services;

18 (xiv) state child death review board;

19 (xv) Kansas agricultural remediation board;

20 (xvi) unmarked burial sites preservation board;

21 (xvii) Kansas housing resources corporation;

22 (xviii) department of commerce—Kansas athletic commission;

23 (xix) department of health and environment—division of health care
24 finance;

25 (xx) home inspectors registration board;

26 (xxi) committee on surety bonds and insurance;

27 (xxii) 911 coordinating council; and

28 (xxiii) office of administrative hearings.

29 (c) For any state agency not listed in subsection (b)(2) that adopts
30 rules and regulations that become effective on or after July 1, 2022, such
31 state agency shall submit a report to the joint committee on administrative
32 rules and regulations in accordance with subsection (b)(1) on or before
33 July 15 of the fifth year after such rules and regulations become effective
34 and every fifth year thereafter.

35 (d) Notwithstanding any other provision of law, a rule and regulation
36 may be adopted or maintained by a state agency only if such rule and
37 regulation serves an identifiable public purpose to support state law and
38 may not be broader than is necessary to meet such public purpose.

39 (e) This section shall be a part of and supplemental to the rules and
40 regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

41 Sec. 59. K.S.A. 79-3221k is hereby amended to read as follows: 79-
42 3221k. (a) For all tax years commencing after December 31, 2011, each
43 Kansas state individual income tax return form shall contain a designation

1 as follows:

2 Kansas Hometown Heroes Fund. Check if you wish to donate, in
3 addition to your tax liability, or designate from your refund, _____\$1,
4 _____\$5, _____\$10 or \$_____.
5

6 (b) The director of taxation of the department of revenue shall
7 determine annually the total amount designated for contribution to the
8 Kansas hometown heroes fund pursuant to subsection (a) and shall report
9 such amount to the state treasurer who shall credit the entire amount
10 thereof to the Kansas hometown heroes fund which fund is hereby
11 established in the state treasury. All moneys deposited in such fund shall
12 be used solely for the purpose of funding the continued operations of the
13 veteran services program of the Kansas ~~commission on veterans affairs~~
14 office of *veterans services*. In the case where donations are made pursuant
15 to subsection (a), the director shall remit the entire amount thereof to the
16 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
17 amendments thereto. Upon receipt of such remittance, the state treasurer
18 shall deposit the entire amount in the state treasury to the credit of such
19 fund. All expenditures from such fund shall be made in accordance with
20 appropriation acts upon warrants of the director of accounts and reports
21 issued pursuant to vouchers approved by the director of the Kansas
22 ~~commission on veterans affairs~~ office of *veterans services*.

23 Sec. 60. K.S.A. 21-6630, 39-923, 65-1732, 65-2418, 73-209, 73-210,
24 73-230, 73-1208d, 73-1208e, 73-1208f, 73-1209, 73-1210a, 73-1211, 73-
25 1217, 73-1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233,
26 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-
27 1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-1908,
28 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-
29 1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-1954, 76-1955,
30 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A. 2023 Supp. 32-934,
31 74-2012, 75-3740 and 77-440 are hereby repealed.

32 Sec. 61. This act shall take effect and be in force from and after its
publication in the statute book.