

As Amended by House Committee

Session of 2014

SENATE BILL No. 263

By Committee on Federal and State Affairs

1-15

1 ~~AN ACT concerning the adjutant general; establishing the military funeral~~
2 ~~honors fund; military service members; establishing the military~~
3 ~~honors funeral fund; abolishing the Kansas commission on~~
4 ~~veterans affairs; creating the Kansas commission on veterans~~
5 ~~affairs office within the executive branch of government;~~
6 ~~transferring certain powers, duties and functions; providing a~~
7 ~~Kansas advisory committee on veterans affairs; amending K.S.A.~~
8 ~~73-209, 73-210, 73-1211, 73-1222, 73-1223, 73-1224, 73-1225, 73-~~
9 ~~1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-~~
10 ~~1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-~~
11 ~~1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-~~
12 ~~1955, 76-1956, 76-1957 and 76-1958 and K.S.A. 2012 Supp. 74-~~
13 ~~2012, as amended by section 3 of chapter 74 of the 2013 Session~~
14 ~~Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418,~~
15 ~~73-1209, 73-1210a, 73-1217, 73-1218, 73-1233, 73-1234, 73-1235, 73-~~
16 ~~1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-~~
17 ~~4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k and~~
18 ~~repealing the existing sections; also repealing K.S.A. 73-1207, 73-~~
19 ~~1208b, 73-1208c and 73-1220 and K.S.A. 2013 Supp. 73-1208a and~~
20 ~~73-1219.~~

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22 *Be it enacted by the Legislature of the State of Kansas:*

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New Section 1. (a) There is hereby established in the state treasury the military honors funeral fund which shall be administered by the adjutant general. All expenditures of moneys in the military honors funeral fund shall be used for the purpose of providing military honors funerals and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general or by a person or persons designated by the adjutant general. The adjutant general may accept all gifts, grants, donations and bequests to the fund. The adjutant general shall remit all moneys received under this section 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 military honors funeral fund.

1 (b) On or before the 10th of each month, the director of accounts and
2 reports shall transfer from the state general fund to the military honors
3 funeral fund interest earnings based on:

4 (1) The average daily balance of moneys in the military honors
5 funeral fund for the preceding month; and

6 (2) the net earnings rate for the pooled money investment portfolio
7 for the preceding month.

8 **New Sec. 2. (a) On July 1, 2014, the Kansas commission on
9 veterans affairs provided for by K.S.A. 73-1208a, prior to its repeal,
10 shall be and is hereby abolished.**

11 **(b) On July 1, 2014, all of the powers, duties and functions of the
12 Kansas commission on veterans affairs are hereby transferred to and
13 conferred and imposed upon the Kansas commission on veterans
14 affairs office.**

15 **(c) The Kansas commission on veterans affairs office shall be the
16 successor in every way to the powers, duties and functions of the
17 Kansas commission on veterans affairs in which the same were vested
18 prior to July 1, 2014. Every act performed in the exercise of such
19 powers, duties and functions by or under the authority of the Kansas
20 commission on veterans affairs office shall be deemed to have the
21 same force and effect as if performed by the Kansas commission on
22 veterans affairs in which the authority to perform such act was vested
23 prior to July 1, 2014. The Kansas commission on veterans affairs
24 office shall be a continuation of the Kansas commission on veterans
25 affairs abolished by this section.**

26 **(d) All rules and regulations and all orders or directives of the
27 Kansas commission on veterans affairs, or of any persons authorized
28 by the commission to issue orders or directives, in existence on July 1,
29 2014, shall continue to be effective and shall be deemed to be the rules
30 and regulations and orders or directives of the Kansas commission on
31 veterans affairs office until revised, amended, revoked or nullified
32 pursuant to law.**

33 **(e) On and after July 1, 2014, whenever the Kansas commission
34 on veterans affairs, or words of like effect, is referred to or designated
35 by a statute, contract or other document, such reference or
36 designation shall be deemed to mean and apply to the Kansas
37 commission on veterans affairs office.**

38 **New Sec. 3. (a) There is hereby established within the executive
39 branch of government the Kansas commission on veterans affairs
40 office, which shall be administered under the direction and
41 supervision of the director of the Kansas commission on veterans
42 affairs office. The director of the Kansas commission on veterans
43 affairs office, who shall be a veteran, shall be appointed by the**

1 governor, subject to confirmation by the senate as provided in K.S.A.
2 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-
3 2601, and amendments thereto, no person appointed as the director of
4 the Kansas commission on veterans affairs office shall exercise any
5 power, duty or function as director until confirmed by the senate.
6 Except as otherwise provided by this section, the director of the
7 Kansas commission on veterans affairs office shall be in the
8 unclassified service under the Kansas civil service act, shall serve at
9 the pleasure of the governor and shall receive an annual salary fixed
10 by the governor.

11 (b) All budgeting, purchasing and related management functions
12 of the Kansas veterans affairs office, shall be administered under the
13 direction and supervision of the director of the Kansas commission on
14 veterans affairs office.

15 (c) All vouchers for expenditures from appropriations to or for
16 the Kansas commission on veterans affairs office shall be approved by
17 the director of the Kansas commission on veterans affairs office or a
18 person or persons designated by the director for such purpose.

19 (d) The provisions of the Kansas governmental operations
20 accountability law apply to the Kansas commission on veterans affairs
21 office, and the office is subject to audit, review and evaluation under
22 such law.

23 New Sec. 4. The Kansas commission on veterans affairs office
24 shall be responsible for carrying out the general policies of the
25 governor and the director of the Kansas commission on veterans
26 affairs office by: (a) Affording and furnishing to veterans, and
27 relatives and dependents of such veterans, information, advice,
28 direction and assistance through the coordination of programs and
29 services in the fields of education, health, vocational guidance and
30 placement, mental care and economic security; and (b) managing,
31 operating and controlling the Kansas soldiers' home and the Kansas
32 veterans' home.

33 Sec. 5. K.S.A. 2013 Supp. 39-923 is hereby amended to read as
34 follows: 39-923. (a) As used in this act:

35 (1) "Adult care home" means any nursing facility, nursing facility
36 for mental health, intermediate care facility for people with
37 intellectual disability, assisted living facility, residential health care
38 facility, home plus, boarding care home and adult day care facility; all
39 of which are classifications of adult care homes and are required to be
40 licensed by the secretary of aging.

41 (2) "Nursing facility" means any place or facility operating 24
42 hours a day, seven days a week, caring for six or more individuals not
43 related within the third degree of relationship to the administrator or

1 owner by blood or marriage and who, due to functional impairments,
2 need skilled nursing care to compensate for activities of daily living
3 limitations.

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

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

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

31 (6) "Residential health care facility" means any place or facility,
32 or a contiguous portion of a place or facility, caring for six or more
33 individuals not related within the third degree of relationship to the
34 administrator, operator or owner by blood or marriage and who, by
35 choice or due to functional impairments, may need personal care and
36 may need supervised nursing care to compensate for activities of daily
37 living limitations and in which the place or facility includes individual
38 living units and provides or coordinates personal care or supervised
39 nursing care available on a 24-hour, seven-days-a-week basis for the
40 support of resident independence. The provision of skilled nursing
41 procedures to a resident in a residential health care facility is not
42 prohibited by this act. Generally, the skilled services provided in a
43 residential health care facility shall be provided on an intermittent or

1 limited term basis, or if limited in scope, a regular basis.

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

21 (8) "Boarding care home" means any place or facility operating
22 24 hours a day, seven days a week, caring for not more than 10
23 individuals not related within the third degree of relationship to the
24 operator or owner by blood or marriage and who, due to functional
25 impairment, need supervision of activities of daily living but who are
26 ambulatory and essentially capable of managing their own care and
27 affairs.

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

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

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

1 knowledge and application of scientific principles.

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

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

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

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

20 (16) "Licensing agency" means the secretary of aging.

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

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

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

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

29 (21) "Operator" means an individual who operates an assisted
30 living facility or residential health care facility with fewer than 61
31 residents, a home plus or adult day care facility and has completed a
32 course approved by the secretary of health and environment on
33 principles of assisted living and has successfully passed an
34 examination approved by the secretary of health and environment on
35 principles of assisted living and such other requirements as may be
36 established by the secretary of health and environment by rules and
37 regulations.

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

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

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

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

6 (26) The term "intermediate personal care home" for purposes of
7 those individuals applying for or receiving veterans' benefits means
8 residential health care facility.

9 (27) "Paid nutrition assistant" means an individual who is paid to
10 feed residents of an adult care home, or who is used under an
11 arrangement with another agency or organization, who is trained by a
12 person meeting nurse aide instructor qualifications as prescribed by
13 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and paragraph (h) of 42
14 C.F.R. § 483.35, and who provides such assistance under the
15 supervision of a registered professional or licensed practical nurse.

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

20 (b) The term "adult care home" shall not include institutions
21 operated by federal or state governments, except institutions operated
22 by the *director of the Kansas commission on veterans affairs office*,
23 hospitals or institutions for the treatment and care of psychiatric
24 patients, child care facilities, maternity centers, hotels, offices of
25 physicians or hospices which are certified to participate in the
26 medicare program under 42 code of federal regulations, chapter IV,
27 section 418.1 et seq., and amendments thereto, and which provide
28 services only to hospice patients.

29 (c) Nursing facilities in existence on the effective date of this act
30 changing licensure categories to become residential health care
31 facilities shall be required to provide private bathing facilities in a
32 minimum of 20% of the individual living units.

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

39 (e) Nursing facilities with less than 60 beds converting a portion
40 of the facility to residential health care shall have the option of
41 licensing for residential health care for less than six individuals but
42 not less than 10% of the total bed count within a contiguous portion of
43 the facility.

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

9 Sec. 6. K.S.A. 2013 Supp. 65-1732 is hereby amended to read as
10 follows: 65-1732. (a) A funeral establishment, branch establishment or
11 crematory which has possession of the cremated remains of a dead
12 human body may dispose of the cremated remains, if:

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

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

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

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

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

42 (2) Notwithstanding any law or rules and regulations to the
43 contrary, nothing in this section shall prevent a funeral establishment,

1 branch establishment or crematory from sharing information with the
2 United States department of veterans affairs or the Kansas
3 commission on veterans affairs *office* for the purpose of determining
4 whether the cremated remains are those of a veteran. A funeral
5 establishment, branch establishment, crematory, funeral director,
6 assistant funeral director or crematory operator shall be discharged
7 from any legal obligations or liability with regard to the releasing or
8 sharing of information with such entities.

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

19 (d) Nothing in this section shall require a funeral establishment,
20 branch establishment or crematory to determine or seek others to
21 determine that an individual's cremated remains are those of a
22 veteran if the funeral establishment, branch establishment or
23 crematory was informed by the person in control of the disposition
24 that: (1) Such individual was not a veteran; or (2) such individual did
25 not desire any funeral or burial-related services or ceremonies
26 recognizing service as a veteran.

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

34 Sec. 7. K.S.A. 2013 Supp. 65-2418 is hereby amended to read as
35 follows: 65-2418. (a) (1) The secretary shall fix and charge by rules
36 and regulations the fees to be paid for certified copies or abstracts of
37 certificates or for search of the files for birth, death, fetal death,
38 marriage or divorce records when no certified copy or abstract is
39 made. Except as otherwise provided in this section, the secretary shall
40 remit all moneys received by or for the secretary from fees, charges or
41 penalties, under the uniform vital statistics act, and amendments
42 thereto, to the state treasurer in accordance with the provisions of
43 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such

1 remittance, the state treasurer shall deposit the entire amount in the
2 state treasury to the credit of the civil registration and health statistics
3 fee fund created by K.S.A. 2013 Supp. 65-2418e, and amendments
4 thereto.

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

17 (3) The secretary shall not charge or accept any fee for a certified
18 copy of a birth certificate if the certificate is requested by any person
19 who is 17 years of age or older for purposes of voting if the applicant
20 lacks the identification required by K.S.A. 25-2908(h), and
21 amendments thereto, or to meet the voter registration requirements of
22 K.S.A. 25-2309, and amendments thereto. For voter registration
23 purposes, an applicant for registration shall swear under oath: (1)
24 That such person plans to register to vote in Kansas; and (2) that such
25 person does not possess any of the documents that constitute evidence
26 of United States citizenship under K.S.A. 25-2309(l), and amendments
27 thereto. The affidavit shall specifically list the documents that
28 constitute evidence of United States citizenship under K.S.A. 25-
29 2309(l), and amendments thereto. The secretary shall adopt rules and
30 regulations in order to implement the provisions of this subsection.

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

1 of each such remittance, the state treasurer shall deposit the entire
2 amount in the state treasury to the credit of the civil registration and
3 health statistics fee fund created under this act.

4 (5) Upon receipt of any such remittance of a fee for a certified
5 copy of a death certificate or abstract, \$4 of each such fee for the first
6 certified copy of a death certificate or abstract and \$2 of each such fee
7 for each additional copy of the same death certificate or abstract
8 requested at the same time shall be remitted to the state treasurer in
9 accordance with the provisions of K.S.A. 75-4215, and amendments
10 thereto. Upon receipt of each such remittance, the state treasurer shall
11 deposit the entire amount in the state treasury to the credit of the
12 district coroners fund created by K.S.A. 22a-245, and amendments
13 thereto. The balance of the money received for a fee for a certified
14 copy of a death certificate or abstract shall be remitted to the state
15 treasurer in accordance with the provisions of K.S.A. 75-4215, and
16 amendments thereto. Upon receipt of each such remittance, the state
17 treasurer shall deposit the entire amount in the state treasury to the
18 credit of the civil registration and health statistics fee fund created by
19 K.S.A. 2013 Supp. 65-2418e, and amendments thereto.

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

26 Sec. 8. K.S.A. 73-209 is hereby amended to read as follows: 73-
27 209. (a) On submission to the adjutant general of an original discharge
28 or other official record of military service of any soldier, sailor or
29 marine of the United States, or of a copy of such discharge or official
30 record of military service certified to by a city, county or state official
31 as being a true copy of original document, the adjutant general shall
32 place such record on file in the adjutant general's office. If original
33 documents are submitted, the adjutant general shall cause true copies
34 of such original documents to be made and shall file the copies in the
35 adjutant general's office and the originals shall be returned to the
36 person who submitted them.

37 (b) Upon request of a soldier, sailor or marine whose records of
38 military service have been filed in the adjutant general's office, the
39 adjutant general shall cause to be furnished a certificate of military
40 service in accordance with such records. The adjutant general shall
41 not charge any fee for the certificate if the certificate is requested by a
42 person who exhibits correspondence from the United States veterans
43 administration or the Kansas commission on ~~veterans~~ *veterans* affairs

1 *office* which indicates that the person is applying for benefits from the
 2 United States veterans administration and that such person needs the
 3 certificate to obtain such benefits.

4 (c) The adjutant general shall transfer to the state archives of the
 5 Kansas state historical society for permanent retention any records of
 6 military service on file in the adjutant general's office, in accordance
 7 with the records retention and disposition schedule for such records
 8 approved by the state records board.

9 Sec. 9. K.S.A. 73-210 is hereby amended to read as follows: 73-
 10 210. No city, county or state official shall charge a fee for certifying to
 11 the correctness of a true copy of an original discharge or other official
 12 record of military service of any soldier, sailor or marine of the United
 13 States, except that:

14 (a) The adjutant general may charge a fee unless the copy is
 15 requested by a person who exhibits correspondence from the United
 16 States veterans administration or the Kansas commission on ~~veterans'~~
 17 *veterans affairs office* which indicates that the person is applying for
 18 benefits from the United States veterans administration and that such
 19 person needs the copy to obtain such benefits; and

20 (b) a register of deeds of a county may charge a fee for copies in
 21 excess of the number provided for by K.S.A. 73-210a, and
 22 amendments thereto.

23 Sec. 10. K.S.A. 2013 Supp. 73-1209 is hereby amended to read as
 24 follows: 73-1209. ~~The executive director of the Kansas veterans'~~
 25 *commission on veterans affairs office*, in accordance with general
 26 policies established by the commission directed by the governor, shall:

27 (1) (a) Collect data and information as to the facilities, benefits
 28 and services now or hereafter available to veterans, and ~~their~~ relatives
 29 and dependents of such veterans, and furnish such information to
 30 veterans, and ~~their~~ relatives and dependents of such veterans, and local
 31 service officers of veterans' organizations.

32 (2) (b) Prepare plans for a comprehensive statewide veterans'
 33 service program.

34 (3) (c) Coordinate the program of state agencies which may
 35 properly be utilized in the administration of various aspects of the
 36 problems of veterans, and relatives and dependents of veterans, such
 37 as ~~the department of social and rehabilitation~~ *Kansas department for*
 38 *aging and disability services*, the department of labor, the state board
 39 of education, the board of regents and any other state office,
 40 department, or board or commission furnishing service to veterans or
 41 ~~their~~ relatives or dependents of such veterans.

42 (4) (d) Provide a central contact between federal and state
 43 agencies dealing with the problems of veterans and ~~their~~ relatives and

1 **dependents of such veterans.**

2 ~~(5)~~ (e) **Maintain records of cases handled by the executive director**
3 **which shall show at least the following information: ~~(a)~~(1) The name of**
4 **the veteran; ~~(b)~~(2) claim or case number of the veteran; and ~~(c)~~(3)**
5 **amount of monthly benefit received by the veteran, so as to facilitate**
6 **the necessary interchange of case histories among state administrative**
7 **agencies and provide a clearinghouse of information.**

8 ~~(6)~~ (f) **Provide such services to veterans and their relatives and**
9 **dependents as are not otherwise offered by federal agencies.**

10 ~~(7)~~ (g) **Provide a central agency to which veterans, and ~~their~~**
11 **relatives and dependents of such veterans, may turn for information**
12 **and assistance.**

13 ~~(8)~~ (h) **Provide and maintain such field services as shall be**
14 **necessary to properly care for the needs of veterans, and ~~their~~ relatives**
15 **and dependents of such veterans, which shall not be operated in**
16 **connection with the ~~social and rehabilitation~~ Kansas department for**
17 **aging and disability services.**

18 (i) *Adopt, amend or revoke any rules and regulations necessary to*
19 *carry out the provisions of article 12 of chapter 73 and article 19 of*
20 *chapter 76 of the Kansas Statutes Annotated, and amendments thereto.*

21 (j) *Appoint and oversee the superintendents of the Kansas soldiers'*
22 *home and Kansas veterans' home.*

23 (k) *Designate persons who shall be in charge of the member funds at*
24 *the Kansas soldiers' home under K.S.A. 76-1935, and amendments thereto,*
25 *and the Kansas veterans' home under K.S.A. 76-1956, and amendments*
26 *thereto.*

27 (l) *Appoint and oversee the deputy director of veterans services*
28 *pursuant to K.S.A. 73-1234, and amendments thereto.*

29 (m) (1) *Annually prepare and submit a written report to the house*
30 *committee on veterans, military and homeland security and to the*
31 *governor, providing the following:*

32 (A) *Any progress made by the Kansas commission on veterans affairs*
33 *office and its director in response to any recommendations provided to*
34 *such office in the preceding fiscal year by the legislative division of post*
35 *audit;*

36 (B) *information on the current financial control practices*
37 *implemented by the Kansas commission on veterans affairs office for the*
38 *Kansas soldiers' home and the Kansas veterans' home, including, but not*
39 *limited to, the current policies and procedures at both facilities;*

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

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

1 (E) any other information deemed necessary.

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

5 **Sec. 11. K.S.A. 2013 Supp. 73-1210a is hereby amended to read as**
6 **follows: 73-1210a. (a) Except as otherwise provided by law, and**
7 **subject to the Kansas civil service act, the ~~executive~~ director of the**
8 **Kansas commission on veterans affairs office shall appoint:**

9 (1) ~~such~~ **Subordinate officers and employees, subject to the**
10 **approval of the ~~commission~~ governor, as are necessary to enable the**
11 **~~commission~~ director to exercise or perform its the functions, powers**
12 **and duties pursuant to the provisions of article 12 of chapter 73 of the**
13 **Kansas Statutes Annotated, and amendments thereto;**

14 (2) *the superintendent of the Kansas soldiers' home;*

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

16 (4) *the deputy director of veterans services pursuant to K.S.A. 73-*
17 *1234, and amendments thereto.*

18 **(b) Upon the commencement of the interview process, every**
19 **candidate for a position in—~~a~~ the Kansas commission on veterans**
20 **affairs office that interviews claimants and provides information**
21 **advice and counseling to veterans, surviving spouses, their dependents**
22 **concerning compensation, pension, education, vocational**
23 **rehabilitation, insurance, hospitalization, outpatient care, home loans,**
24 **housing, tax exemptions, burial benefits and other benefits to which**
25 **they may be entitled, or any other sensitive position, as determined by**
26 **the ~~executive~~ director shall be given a written notice that a criminal**
27 **history records check is required. The *director of the Kansas***
28 **commission on veterans affairs office shall require such candidates to**
29 **be fingerprinted and submit to a state and national criminal history**
30 **record check. The fingerprints shall be used to identify the candidate**
31 **and to determine whether the candidate has a record of criminal**
32 **history in this state or another jurisdiction. The *director of the Kansas***
33 **commission on veterans affairs office shall submit the fingerprints to**
34 **the Kansas bureau of investigation and the federal bureau of**
35 **investigation for a state and national criminal history record check.**
36 **Local and state law enforcement officers and agencies shall assist the**
37 ***director of the Kansas commission on veterans affairs office* in taking**
38 **and processing of fingerprints of candidates. If the criminal history**
39 **record information reveals any conviction of crimes of dishonesty or**
40 **violence, such conviction may be used to disqualify a candidate for any**
41 **position within the *director of the Kansas commission on veterans***
42 **affairs office. If the criminal history record information is used to**
43 **disqualify a candidate, the candidate shall be informed in writing of**

1 that decision.

2 (c) Persons employed by the Kansas soldiers' home and Kansas
3 veterans' home shall be excluded from the provisions of subsection (b).
4 No person who has been employed by the *director of the Kansas*
5 *commission on veterans affairs office* for five consecutive years
6 immediately prior to the effective date of this act shall be subject to
7 the provisions of subsection (b) while employed by the *director of the*
8 *Kansas commission on veterans affairs office*.

9 ~~(d) All such subordinate officers and employees shall be within the~~
10 ~~classified service under the Kansas civil service act, shall perform such~~
11 ~~duties and exercise such powers as the Kansas commission on veterans~~
12 ~~affairs and the executive director of the commission may prescribe and~~
13 ~~such duties and powers as are designated by law, and shall act for and~~
14 ~~exercise the powers of the commission and the executive director to the~~
15 ~~extent authority to do so is delegated by such commission or director.~~

16 ~~(e) (d) (1) Except as otherwise provided by law, and subject to the~~
17 ~~Kansas civil service act, the executive director of the Kansas~~
18 ~~commission on veterans affairs office shall appoint such subordinate~~
19 ~~officers and employees, subject to the approval of the Kansas commission~~
20 ~~on veterans affairs a superintendent of the Kansas soldiers' home and a~~
21 ~~superintendent of the Kansas veterans' home , as shall be necessary to~~
22 ~~enable the director of the Kansas commission on veterans affairs office to~~
23 ~~exercise or perform its functions, powers and duties pursuant to the~~
24 ~~provisions of article 19 of chapter 76 of the Kansas Statutes Annotated,~~
25 ~~and amendments thereto.~~

26 (2) (A) All such subordinate officers and employees shall be
27 within the classified service under the Kansas civil service act, shall
28 perform such duties and exercise such powers as ~~the commission, the~~
29 ~~executive director of the Kansas commission, the superintendent of the~~
30 ~~Kansas soldiers' home and the superintendent of the Kansas veterans'~~
31 ~~home on veterans affairs office may prescribe and such duties and~~
32 ~~powers as are designated by law, and shall act for and exercise the~~
33 ~~powers of the commission, the executive director of the Kansas~~
34 ~~commission, the superintendent of the Kansas soldiers' home and the~~
35 ~~superintendent of the Kansas veterans' home to the extent authority to do~~
36 ~~so is delegated by such commission, executive director or superintendent~~
37 ~~on veterans affairs office.~~

38 (B) *The superintendent of the Kansas soldiers' home shall be in the*
39 *unclassified service under the Kansas civil service act and shall receive an*
40 *annual salary fixed by the director of the Kansas commission on veterans*
41 *affairs office, with the approval of the governor. The superintendent of the*
42 *Kansas soldiers' home shall perform such duties and exercise such powers*
43 *as the director may prescribe, and such duties and powers as are*

1 *prescribed by law.*

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

9 ~~(F)~~ (e) **Any veterans service representative appointed by the**
10 **executive director of the Kansas commission on veterans affairs office**
11 **shall be an honorably discharged veteran or retired from the United**
12 **States armed forces. No veterans service representative of the Kansas**
13 **commission on veterans affairs office shall take a power of attorney in**
14 **the name of the director of the Kansas commission on veterans affairs**
15 **office. Nothing in this act shall be construed to prohibit any such**
16 **veterans service representative from assisting any veteran with any**
17 **claim in which a power of attorney is not required.**

18 ~~Nothing in this subsection shall be construed to affect the status, rights~~
19 ~~or benefits of any officer or employee of the Kansas commission on~~
20 ~~veterans affairs employed by such commission on the effective date of this~~
21 ~~act.~~

22 **For the purpose of this subsection, "veterans service**
23 **representative" means any officer or employee appointed pursuant to**
24 **this section whose primary duties include:**

25 **(1) Assisting veterans and their dependents in securing benefits**
26 **from the federal government and the state of Kansas.**

27 **(2) Providing information and assistance to veterans and**
28 **dependents in obtaining special services and benefits based on**
29 **knowledge of federal and state laws, policies and regulations**
30 **pertaining to veterans benefits and services.**

31 **(3) Providing assistance to veterans service organizations**
32 **participating in the veterans claims assistance program.**

33 ~~(F)~~ (f) **Nothing in this act shall be construed to affect the status,**
34 **rights or benefits of any officer or employee of the Kansas veterans'**
35 **commission on veterans affairs under K.S.A. 73-1208a, prior to its repeal,**
36 **employed by such commission on the effective date of this act July 1,**
37 **2014.**

38 **Sec. 12. K.S.A. 73-1211 is hereby amended to read as follows: 73-**
39 **1211. All claims filed with the federal veterans' administration by the**
40 **director of the Kansas veterans' commission on veterans affairs office**
41 **shall be prosecuted by an accredited representative of one of the**
42 **participating veterans' organizations. No employee of any veterans'**
43 **organization shall participate in or receive any funds hereinafter**

1 appropriated or made available to the *director of the Kansas veterans'*
2 *commission on veterans affairs office unless such employing veterans'*
3 *organization shall prosecute any and all claims to the federal veterans'*
4 *administration that are referred to them or their employees by the*
5 *director of the Kansas veterans' commission on veterans affairs office.*

6 **Sec. 13. K.S.A. 2013 Supp. 73-1217 is hereby amended to read as**
7 **follows: 73-1217. The board of trustees of every community college,**
8 **the board of regents of Washburn university of Topeka, the governing**
9 **board of every technical college and the governing body of every other**
10 **institution of post-high school education which is supported by any**
11 **state moneys shall provide for enrollment without charge of tuition or**
12 **fees for any dependent of a prisoner of war or a person missing in**
13 **action, so long as such dependent is eligible, but not to exceed 12**
14 **semesters of instruction or the equivalent thereof at all such**
15 **institutions for any person if the person started such instruction prior**
16 **to July 1, 2005, or 10 semesters if the person started such instruction**
17 **on or after July 1, 2005. Once a person qualifies as a dependent under**
18 **the terms and provisions of this act, no occurrence, such as the return**
19 **of the dependent's parent or such parent's reported death, shall**
20 **disqualify the dependent from the provisions or benefits of this act.**
21 **The state board of regents, the board of trustees of any community**
22 **college, or the governing body of any other institution which grants**
23 **tuition for fees without charge to a dependent under this act may file a**
24 **claim with the *director of the Kansas commission on veterans affairs***
25 ***office for reimbursement of the amount of such tuition or fees. The***
26 ***director of the Kansas commission on veterans affairs office shall***
27 **administer this act and qualifications of persons as dependents shall**
28 **be determined by such ~~commission~~ *director. Such ~~commission~~***
29 **may adopt rules and regulations making more specific the definitions**
30 **herein contained and for the administration of this act.**

31 **Sec. 14. K.S.A. 2013 Supp. 73-1218 is hereby amended to read as**
32 **follows: 73-1218. The state board of regents, the board of trustees of**
33 **every community college, the board of regents of Washburn university**
34 **of Topeka, the governing board of every technical college and the**
35 **governing body of every other institution of post-high school**
36 **education which is supported by any state moneys shall provide for**
37 **enrollment without charge of tuition or fees for any dependent of a**
38 **person who died as the result of a service-connected disability suffered**
39 **during the Vietnam conflict as a result of such conflict, so long as such**
40 **dependent is eligible, but not to exceed 12 semesters of instruction or**
41 **the equivalent thereof at all such institutions for any person. Once a**
42 **person qualifies as a dependent under the terms and provisions of this**
43 **act, no occurrence, such as the return of the dependent's father or**

1 mother, shall disqualify the dependent from the provisions or benefits
 2 of this act. The governing body of every institution of post-high school
 3 education which is supported by any state moneys and which grants
 4 tuition or fees without charge to a dependent under this act may file a
 5 claim with the *director of the Kansas commission on veterans affairs*
 6 *office* for reimbursement of the amount of such tuition or fees. The
 7 *director of the Kansas commission on veterans affairs office* shall
 8 administer this act and the qualification of persons as dependents shall
 9 be determined by such ~~commission~~ *director*. Such ~~commission~~ *director*
 10 may adopt rules and regulations making more specific the definition
 11 herein contained and for the administration of this act.

12 "Dependent" as used in this act shall mean any child born to,
 13 legally adopted by, or in the legal custody of a person who was a
 14 resident of the state of Kansas at the time such person entered service
 15 of the United States armed forces and who, while serving in ~~said~~ *the U.*
 16 *S.* armed forces in the geographical area of the Vietnam conflict, has
 17 been declared to be a person who died as the result of a service-
 18 connected disability suffered during the Vietnam conflict as a result of
 19 such conflict.

20 Sec. 15. K.S.A. 73-1222 is hereby amended to read as follows: 73-
 21 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments
 22 thereto, unless the context clearly indicates otherwise:

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

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

29 ~~(c) "Commission" means the Kansas commission on veterans affairs.~~

30 ~~(d) (c) "Director" means the executive director of the Kansas~~
 31 ~~commission on veterans affairs office.~~

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

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

42 Sec. 16. K.S.A. 73-1223 is hereby amended to read as follows: 73-
 43 1223. (a) There is hereby established with the ~~commission~~ *Kansas*

1 *commission on veterans affairs office* an advisory board known to be the
2 Persian Gulf War veterans health initiative board. The board shall be
3 advisory to the ~~commission~~ *director* in the implementation and
4 administration of this act.

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

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

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

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

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

43 (d) Each member of the board shall serve until a successor is

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

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

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

28 Sec. 17. K.S.A. 73-1224 is hereby amended to read as follows: 73-
29 1224. (a) The ~~commission~~ director shall develop comprehensive
30 surveys, or adopt one or more existing surveys, to be conducted to
31 determine and study the physical and mental conditions, problems
32 and illnesses, including birth defects, as well as the employment,
33 social, emotional and family problems experienced by veterans, their
34 spouses and family members since the veteran's return to Kansas and
35 by any other persons residing in Kansas who are suffering from Gulf
36 War syndrome.

37 (b) The ~~commission~~ director shall develop or adopt the surveys
38 within the first four months after the effective date of this act. The
39 ~~commission~~ director shall administer the surveys and review the
40 completed surveys with the board. The ~~commission~~ director shall
41 compile the results of the surveys and develop recommendations for
42 the legislature based thereon. The director shall report the results to
43 appropriate federal agencies and shall request additional assistance

1 for veterans commensurate with the director's duties under K.S.A. 73-
2 1209, and amendments thereto.

3 (c) The aggregate amount expended for the development and
4 administration of surveys and studies set out under this section and
5 for board expenses, including the position established by K.S.A. 73-
6 1225, and amendments thereto, shall not exceed \$100,000 per fiscal
7 year.

8 (d) ~~The commission~~ *director* shall request the different media,
9 including radio, television and newspaper, to make public service
10 announcements publicizing information on the Persian Gulf War
11 surveys and inform Kansans of the health problems identified and
12 where help is available. The public service announcements should be
13 published no less than four times a year.

14 Sec. 18. K.S.A. 73-1225 is hereby amended to read as follows: 73-
15 1225. There is hereby established with the *Kansas commission on*
16 *veterans affairs office* a full-time position dedicated to seeking and
17 applying for grants and other moneys to fund activities under this act,
18 to assist in the preparation and administration of surveys under this
19 act, to promote programs and activities designed to assist persons
20 affected by Gulf War syndrome to receive the help they need and to
21 perform such other duties as the ~~chairperson of the commission~~ *director*
22 may prescribe. Within 90 days of the effective date of this act, the
23 ~~commission~~ *director* shall appoint a qualified individual to this
24 position.

25 Sec. 19. K.S.A. 73-1226 is hereby amended to read as follows: 73-
26 1226. (a) ~~The commission~~ *director* shall request that the department of
27 health and environment contact families of any children born after
28 August 1, 1991, who are on any state birth defect list maintained by
29 the department, to inform the families of the availability of the survey
30 and the registry if either parent served in the Persian Gulf War. If the
31 family voluntarily participates in the survey, the veteran's child's
32 name shall be listed in the state Persian Gulf War registry.

33 (b) ~~The commission~~ *director* shall determine the appropriate
34 health programs and the confidential mechanisms that shall be
35 utilized to ask participants in such programs whether they are Persian
36 Gulf War veterans, and if so, offer the veterans voluntary
37 participation in the survey under K.S.A. 73-1224, and amendments
38 thereto.

39 (c) ~~The commission~~ *director* shall establish and maintain a state
40 Persian Gulf War registry containing the names of veterans, their
41 spouses, family members and other persons in Kansas who have been
42 affected by Gulf War syndrome.

43 (d) ~~The commission~~ *director* shall inform veterans of any state and

1 federal programs available to meet the veterans' needs.

2 (e) Any person who in good faith provides information to the
3 ~~commission~~ *director* under the provisions of this section shall be
4 immune from civil or criminal liability therefor.

5 Sec. 20. K.S.A. 73-1227 is hereby amended to read as follows: 73-
6 1227. Subject to funds available, the ~~commission~~ *director* shall conduct
7 a fiscal impact study, aimed at identifying the annual budgetary
8 impact of Gulf War syndrome on Kansas in terms of increased costs of
9 education, medical coverage, correction of birth defects and other
10 expenses identified through the results of the surveys conducted under
11 K.S.A. 73-1224, and amendments thereto.

12 Sec. 21. K.S.A. 73-1229 is hereby amended to read as follows: 73-
13 1229. The ~~commission~~ *director* shall adopt rules and regulations to
14 implement and administer the provisions of K.S.A. 73-1221 through
15 73-1231, and amendments thereto.

16 Sec. 22. K.S.A. 73-1230 is hereby amended to read as follows: 73-
17 1230. The ~~Kansas commission on veterans affairs~~ *director* shall cooperate
18 and share information with appropriate state and federal agencies as
19 necessary for the purposes of this act to aid veterans and other
20 persons in obtaining aid and relief from the effects of Gulf War
21 syndrome. Such cooperation shall include reporting the survey
22 statistics to appropriate federal agencies to bring issues to the notice of
23 appropriate agencies.

24 Sec. 23. K.S.A. 73-1231 is hereby amended to read as follows: 73-
25 1231. There is hereby established in the state treasury the Persian Gulf
26 War veterans health initiative fund which shall be administered by the
27 ~~Kansas commission on veterans affairs~~ *director*. All moneys received
28 from any grants from federal or other nonstate sources, from
29 contributions or from any other source for the purpose of financing
30 the activities of the board or the development or administration of the
31 surveys developed by the board under this act, shall be remitted to the
32 state treasurer in accordance with the provisions of K.S.A. 75-4215,
33 and amendments thereto. Upon receipt of each such remittance, the
34 state treasurer shall deposit the entire amount in the state treasury to
35 the credit of the Persian Gulf War veterans health initiative fund. All
36 expenditures from the Persian Gulf War veterans health initiative
37 fund shall be for the purposes of financing the activities of the
38 ~~commission~~ *director* for the implementation and administration,
39 including the activities of the board and the development and
40 administration of the surveys under this act, and shall be made in
41 accordance with appropriation acts upon warrants of the director of
42 accounts and reports issued pursuant to vouchers approved by the
43 *director of the Kansas commission on veterans affairs office* or the

1 ~~commission's~~ *director's* designee.

2 **Sec. 24. K.S.A. 73-1232** is hereby amended to read as follows: 73-
3 **1232. (a)** The *director of the Kansas commission* ~~of~~ *on veterans affairs*
4 *office* is hereby authorized to establish and maintain a state system of
5 veterans cemeteries. For the purposes of such system, the ~~commission~~
6 *director* may request, accept and take title to any grants or bequests or
7 other donations of moneys, other personal property, real property or
8 other assistance from any person, firm, association or corporation or
9 from any federal, state or local governmental agency or other
10 governmental entity. The ~~commission~~ *director* may lease, purchase or
11 otherwise acquire title to real property for the state system of veterans
12 cemeteries. Subject to the provisions of subsection (b), the ~~commission~~
13 *director* may enter into contracts for the purpose of establishing and
14 maintaining the system of veterans cemeteries.

15 **(b)** The ~~commission~~ *director* shall not enter into any contracts
16 pursuant to subsection (a) after the effective date of this act for the
17 purpose of establishing and maintaining the system of veterans
18 cemeteries unless funds in an amount equal to 100% of the costs of
19 constructing the cemeteries in such system is provided by the federal
20 government.

21 **(c)** No more than three applications shall be submitted to the
22 veterans administration for the state veterans cemetery program
23 grant after the effective date of this act. Nothing in this subsection
24 shall be construed as applying to grants submitted prior to the
25 effective date of this act.

26 **Sec. 25. K.S.A. 2013 Supp. 73-1233** is hereby amended to read as
27 follows: 73-1233. **(a)** As used in this section "memorial for veterans"
28 means a capital improvement or other suitable memorial for Kansas
29 veterans who served in the armed forces of the United States of
30 America which is proposed to be located or is located at an institution,
31 building or facility on state-owned property of the *director of the*
32 *Kansas commission on veterans affairs office* and may include trees,
33 shrubs and other landscaping.

34 **(b)** In accordance with this section, the *director of the Kansas*
35 *commission on veterans affairs office* may initiate and conduct capital
36 improvement projects to construct, reconstruct or repair or to
37 maintain memorials for veterans. Each memorial for veterans shall be
38 located at an institution, building or facility on state-owned property
39 of the *director of the Kansas commission on veterans affairs office* and
40 shall become the property of Kansas upon completion and acceptance
41 of the project by the secretary of administration and the *director of the*
42 *Kansas commission on veterans affairs office*. Except as otherwise
43 provided by law or rules and regulations adopted under this section,

1 each such capital improvement project for any such memorial for
2 veterans shall be totally financed from private moneys received by the
3 *director of the Kansas commission on veterans affairs office* for such
4 purpose. Prior to initiating a capital improvement project for any such
5 memorial for veterans, the plans and specifications for the project
6 shall be reviewed and shall receive prior approval by the secretary of
7 administration. No such capital improvement project for any such
8 memorial for veterans shall be approved or initiated by the *director of*
9 *the Kansas commission on veterans affairs office* without having first
10 advised and consulted with the joint committee on state building
11 construction.

12 (c) In accordance with the provisions of this act and the rules and
13 regulations adopted thereunder, the *director of the Kansas commission*
14 *on veterans affairs office* may apply for, accept and receive any private
15 donation, gift, grant or bequest made to establish, modify or maintain
16 memorials for veterans. The *director of the Kansas commission on*
17 *veterans affairs office* shall administer and expend any such private
18 donation, gift, grant or bequest in accordance with the terms or
19 conditions imposed by the donor.

20 (d) The *director of the Kansas commission on veterans affairs*
21 *office* shall develop and adopt rules and regulations prescribing
22 guidelines, limitations and procedures for the approval of proposed
23 memorials for veterans and for the acceptance of private donations,
24 gifts, grants and bequests made for memorials for veterans. The rules
25 and regulations prescribing such guidelines and procedures shall
26 include:

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

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

39 (3) guidelines and procedures to provide that the prior, express
40 approval of the *director of the Kansas commission on veterans affairs*
41 *office* has been obtained before: (A) The name of the Kansas
42 commission on veterans affairs *office* or the name of the Kansas
43 soldiers' home, the Kansas veterans' home or any other institution,

1 **building or facility under the jurisdiction of the ~~commission~~, director;**
2 **or (B) the name of any member of the ~~commission~~ director or of any**
3 **officer or employee of the ~~commission~~ Kansas commission on veterans**
4 **affairs office or of any such institution, building or facility, is used in**
5 **connection with any fund-raising for any memorial for veterans;**

6 **(4) guidelines for appropriate recognition of donors for**
7 **memorials for veterans, except that no memorial for veterans shall be**
8 **named for any donor;**

9 **(5) procedures to provide that the design, plans and specifications**
10 **for memorials for veterans are reviewed and approved by the**
11 **secretary of administration to assure conformance with the**
12 **requirements and guidelines applicable to state capital improvement**
13 **projects; and**

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

19 **(e) Members of the advisory committee established under this**
20 **section shall receive no compensation or reimbursement for expenses**
21 **incurred for their service on such advisory committees.**

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

39 **(g) On or before the 10th of each month, the director of accounts**
40 **and reports shall transfer from the state general fund to the Kansas**
41 **veterans memorials fund interest earnings based on:**

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

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

3 **Sec. 26. K.S.A. 2013 Supp. 73-1234 is hereby amended to read as**
4 **follows: 73-1234. (a) (1) The director of the Kansas commission on**
5 **veterans affairs office shall establish and administer a veterans claims**
6 **assistance program in accordance with this section to improve the**
7 **coordination of veterans benefits counseling in Kansas to maximize**
8 **the effective and efficient use of taxpayer dollars and to ensure that**
9 **every veteran is served and receives claims counseling and assistance.**

10 (2) *The director of the Kansas commission on veterans affairs*
11 *office shall establish and commence operations under the veterans*
12 *claims assistance program in accordance with this section on or before*
13 **August 1, 2006.**

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

22 (4) **No employee of the Kansas commission on veterans affairs**
23 **office shall act as an agent with power of attorney for any claimant.**

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

32 (c) *The director of the Kansas commission on veterans affairs*
33 *office shall adopt rules and regulations to implement and administer*
34 *the veterans claims assistance program and the service grant*
35 *program. The rules and regulations shall include: (1) The detailed*
36 *requirements of the veterans claims assistance program and grant*
37 *agreements; (2) the responsibilities of all parties to the grant*
38 *agreements; (3) the duration of the grants; (4) any insurance or*
39 *bonding requirements; (5) the format and frequency of progress and*
40 *final reports; (6) the initial and continuing training requirements for*
41 *veterans claims assistance representatives; (7) the provisions of a*
42 *quality assurance program for the veterans claims assistance program*
43 *and the services performed by veterans service organizations receiving*

1 grants under this section; and (8) any other information or
2 requirements deemed necessary or appropriate by the ~~commission~~
3 *director*.

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

9 (e) Training activities for veterans claims assistance
10 representatives shall be the responsibility of the veterans service
11 organization employing the veterans claims assistance representatives
12 and shall be conducted by qualified veterans claims assistance
13 representatives.

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

18 (1) The veterans service organization shall be congressionally
19 chartered by the United States Congress;

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

27 (A) The person to be cross-accredited shall provide proof to the
28 *deputy director of veterans services* that the person has successfully
29 completed the national association of county veterans service officers
30 training or equivalent, as determined by the *deputy director of veterans*
31 *services* and that such person shall participate in a minimum of one
32 annual training session as approved by the *deputy director of veterans*
33 *services* as well as maintain the continuing education requirements of
34 the cross-accrediting veterans service organization; and

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

40 (3) agree to participate in one-stop veterans service centers at the
41 federal veterans administration regional office and each federal
42 veterans administration medical center in Kansas;

43 (4) demonstrate the receipt of monetary or service support from

1 its own organization for the veterans claims assistance program;

2 (5) demonstrate the ability to comply with the requirements
3 prescribed by this section or adopted by the *director of the Kansas*
4 *commission on veterans affairs office* under this statute for accounting,
5 service work activity and other satisfactory performance requirements
6 and measures;

7 (6) have established state headquarters in Kansas;

8 (7) have staff present in the federal veterans administration
9 regional office and the United States department of veterans affairs
10 medical centers located in Topeka and Leavenworth;

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

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

16 (10) have assisted in filing a minimum of 300 claims for veterans
17 for which the veterans service organization has power of attorney in
18 the past 12-month period;

19 (11) agree to make no reference to membership eligibility on
20 claims documentation and not solicit membership due to information
21 received on claim forms;

22 (12) agree to cross-accredit service officers participating in the
23 service grant program to include service officers of partnered veterans
24 service organizations and *the Kansas commission on veterans affairs*
25 *office* staff located in the federal veterans administration regional
26 office and the United States department of veterans affairs medical
27 centers in Leavenworth and Topeka; and

28 (13) agree that the veterans service organization shall continue to
29 provide monetary support for the veterans claims assistance program
30 pursuant to the requirements in subsection (g).

31 ~~For the purposes of this subsection, "director" means the director of the~~
32 ~~veterans claims assistance program.~~

33 (g) Any monetary support provided under subsection (f)(13) shall
34 be in a combination of monetary and non-monetary support, herein
35 called "match." The veterans claims assistance advisory board shall
36 determine the percentage of the match as a percent of the amount of
37 the service grant provided to the veterans service organization, and
38 submit such determination to the *director of the Kansas commission on*
39 *veterans affairs office* for approval.

40 (h) Each veterans service organization receiving a service grant
41 under this section shall file with the Kansas commission on veterans
42 affairs *office*, within 90 days after the end of the veterans service
43 organization's fiscal year, a detailed statement prepared by a certified

1 public accountant which sets forth an accounting of all expenditures of
2 moneys received under the service grant. Each veterans service
3 organization receiving a service grant under this section shall apply
4 for the grant funding on an annual basis, shall demonstrate
5 satisfactory performance based on completion of minimum
6 requirements during the preceding annual period and shall certify
7 that all veterans service representatives funded with service grant
8 moneys meet minimum training requirements to provide for core
9 competencies.

10 (i) The *director of the Kansas commission on veterans affairs*
11 *office* shall develop and maintain a central database registry regarding
12 claims outcome data received from veterans claims assistance
13 representatives under the veterans claims assistance program.

14 Sec. 27. K.S.A. 2013 Supp. 73-1235 is hereby amended to read as
15 follows: 73-1235. (a) There is hereby established with the Kansas
16 commission on veterans affairs *office* an advisory board which shall be
17 known as the ~~veterans claims assistance~~ VCAP advisory board. The
18 advisory board shall advise the *director of the Kansas commission on*
19 *veterans affairs* in the implementation and administration of *office on all*
20 *veterans services, including the veterans claims assistance program.*

21 (b) (1) The advisory board shall consist of the following members at
22 least seven members as follows:

23 (1) (A) The ~~deputy director of the veterans claims assistance program~~
24 *veterans services*, who shall be a permanent member of the advisory board
25 and shall serve as the chairperson of the advisory board.

26 (2) (B) Each veterans service organization participating in the
27 grant program shall appoint one member of the advisory board who
28 shall be a veteran. The *deputy director of veterans services* shall notify
29 the state level unit of each national veterans service organization
30 which has an office in the federal department of veteran affairs
31 regional office in Wichita, Kansas, and request written confirmation
32 of the intent of the veterans service organization to participate in the
33 veterans claims assistance program and to request an annual service
34 grant. ~~Each such veterans service organization submitting such~~
35 ~~confirmation that also meets the eligibility requirements in K.S.A. 73-~~
36 ~~1234, and amendments thereto, shall prepare and submit a list of three~~
37 ~~nominations of veterans from such veterans service organization.~~

38 (C) The governor shall appoint ~~one veteran as a member~~ two
39 ~~members of the advisory board from each list~~ who shall be veterans.
40 *With regards to members appointed by the governor, any veterans service*
41 *organization may submit a list of three names for consideration by the*
42 *governor in making the appointment. The governor shall consider each*
43 *such list if timely submitted and may appoint from among those listed.*

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

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

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

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

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

39 (f) The members of the advisory board attending meetings of the
40 advisory board or attending a subcommittee meeting thereof
41 authorized by the advisory board shall receive no compensation for
42 their services but shall be paid subsistence allowances, mileage and
43 other expenses as provided in subsections (b), (c) and (d) of K.S.A. 75-

1 3223, and amendments thereto.

2 Sec. 28. K.S.A. 2013 Supp. 73-1236 is hereby amended to read as
3 follows: 73-1236. The legislative budget committee shall annually
4 study and review the veterans claims assistance program and the
5 service grants program of the Kansas commission on veterans affairs
6 *office* under this act. The *director of the* Kansas commission on
7 veterans affairs *office* and each veterans service organization which is
8 receiving service grants under this section shall prepare and present
9 annual reports of activities and expenditures under the veterans
10 claims assistance program and the service grants program.

11 Sec. 29. K.S.A. 2013 Supp. 73-1238 is hereby amended to read as
12 follows: 73-1238. There is hereby created within the Kansas
13 commission on veterans affairs *office*, the Vietnam war era medallion
14 program. Every veteran who honorably served on active duty in the
15 United States military service at any time beginning February 28,
16 1961, and ending May 7, 1975, shall be entitled to receive a Vietnam
17 war era medallion, medal and a certificate of appreciation, provided
18 that:

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

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

26 Sec. 30. K.S.A. 2013 Supp. 73-1239 is hereby amended to read as
27 follows: 73-1239. The Vietnam war era medallion, medal and a
28 certificate shall be awarded regardless of whether or not such veteran
29 served within the United States or in a foreign country. The medallion,
30 medal and the certificate shall be awarded regardless of whether or
31 not such veteran was under eighteen years of age at the time of
32 enlistment. For purposes of this bill, "veteran" means any person
33 defined as a veteran by the United States department of veterans'
34 affairs or its successor agency. The *director of the* Kansas commission
35 on veterans affairs *office* shall administer the program and shall adopt
36 all rules and regulations necessary to administer the program. The
37 agency shall determine as expeditiously as possible the persons who
38 are entitled to a Vietnam war era medallion, medal and a certificate
39 and distribute the medallions, medals and the certificates.
40 Applications for the Vietnam war era medallion, medal and the
41 certificate shall be filed with the *director of the* Kansas commission on
42 veterans affairs *office* at any time after January 1, 2010, on forms
43 prescribed and furnished by the *director of the* Kansas commission on

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

9 Sec. 31. K.S.A. 2013 Supp. 73-1241 is hereby amended to read as
10 follows: 73-1241. If any spouse or eldest living survivor applies for the
11 Vietnam war era medallion, medal and certificate or if any veteran
12 dies after applying for a Vietnam war era medallion, medal and a
13 certificate and such veteran would have been entitled to the Vietnam
14 war era medallion, medal and the certificate, the *director of the Kansas*
15 *commission on veterans affairs office* shall give the Vietnam war era
16 medallion, medal and the certificate to the spouse or eldest living
17 survivor of the deceased veteran.

18 Sec. 32. K.S.A. 2013 Supp. 73-1242 is hereby amended to read as
19 follows: 73-1242. If the director of veteran services disallows any
20 veteran's claim to a Vietnam war era medallion, medal and a
21 certificate, a statement of the reason for the disallowance shall be filed
22 with the application and notice of this disallowance shall be mailed to
23 the applicant at the applicant's last known address. The *director of the*
24 *Kansas commission on veterans affairs office* shall approve the form of
25 the Vietnam war era medallion, medal and the certificate. It is the
26 intent of the legislature to create statewide involvement in the design
27 of these symbols in recognition of this historic endeavor. The ~~veterans'~~
28 *director of the Kansas commission on veterans affairs office* may solicit
29 potential designs from elementary and secondary schools, veterans'
30 groups, civic organizations or any other interested party, and may
31 select the best design from among such solicited designs or may select
32 another design.

33 Sec. 33. K.S.A. 2013 Supp. 73-1243 is hereby amended to read as
34 follows: 73-1243. The "Vietnam war era veterans' recognition award
35 fund" is hereby created in the state treasury, and shall consist of all
36 gifts, donations and bequests to the fund. Moneys received shall be
37 remitted to the state treasurer in accordance with the provisions of
38 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
39 remittance, the state treasurer shall deposit the entire amount in the
40 state treasury to the credit of the Vietnam war era veterans'
41 recognition award fund. The fund shall be administered by the
42 *director of the Kansas commission on veterans affairs office*. Moneys in
43 the Vietnam war era veterans' recognition award fund shall not be

1 transferred to the credit of the state general fund. On or before the
2 10th day of each month, the director of accounts and reports shall
3 transfer from the state general fund to the Vietnam war era veterans'
4 recognition award fund interest earnings based on:

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

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

12 Sec. 34. K.S.A. 2012 Supp. 74-2012, as amended by section 3 of
13 chapter 74 of the 2013 Session Laws of Kansas, is hereby amended to
14 read as follows: 74-2012. (a) (1) All motor vehicle records shall be
15 subject to the provisions of the open records act, except as otherwise
16 provided under the provisions of this section and by K.S.A. 65-2422d
17 and 74-2022, and amendments thereto.

18 (2) Nothing in this section shall prevent the transmittal of motor
19 vehicle records for the purpose of processing voter registration
20 applications.

21 (3) For the purpose of this section, "motor vehicle records"
22 means any record that pertains to a motor vehicle drivers' license,
23 motor vehicle certificate of title, motor vehicle registration or
24 identification card issued by the division of vehicles.

25 (b) All motor vehicle records which relate to the physical or
26 mental condition of any person, have been expunged or are
27 photographs or digital images maintained in connection with the
28 issuance of drivers' licenses shall be confidential and shall not be
29 disclosed except in accordance with a proper judicial order or as
30 otherwise more specifically provided in this section or by other law.
31 Photographs or digital images maintained by the division of vehicles in
32 connection with the issuance of drivers' licenses may be disclosed to
33 any federal, state or local agency, including any court or law
34 enforcement agency, to assist such agency in carrying out the
35 functions required of such governmental agency. In January of each
36 year the division shall report to the house committee on veterans,
37 military and homeland security regarding the utilization of the
38 provisions of this subsection. Motor vehicle records relating to
39 diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and
40 22-2908 and K.S.A. ~~2012~~ 2013 Supp. 8-1025, and amendments thereto,
41 shall be confidential and shall not be disclosed except in accordance
42 with a proper judicial order or by direct computer access to:

43 (1) A city, county or district attorney, for the purpose of

1 determining a person's eligibility for diversion or to determine the
2 proper charge for a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A.
3 ~~2012~~ 2013 Supp. 8-1025, and amendments thereto, or any ordinance of
4 a city or resolution of a county in this state which prohibits any acts
5 prohibited by those statutes;

6 (2) a municipal or district court, for the purpose of using the
7 record in connection with any matter before the court;

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

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

13 (c) Lists of persons' names and addresses contained in or derived
14 from motor vehicle records shall not be sold, given or received for the
15 purposes prohibited by K.S.A.—~~2012~~ 2013 Supp. 45-230, and
16 amendments thereto, except that:

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

21 (A) Assisting manufacturers of motor vehicles in compiling
22 statistical reports or in notifying owners of vehicles believed to:

23 (i) Have safety-related defects;

24 (ii) fail to comply with emission standards; or

25 (iii) have any defect to be remedied at the expense of the
26 manufacturer;

27 (B) assisting an insurer authorized to do business in this state, or
28 the insurer's authorized agent:

29 (i) In processing an application for, or renewal or cancellation of,
30 a motor vehicle liability insurance policy; or

31 (ii) in conducting antifraud activities by identifying potential
32 undisclosed drivers of a motor vehicle currently insured by an insurer
33 licensed to do business in this state by providing only the following
34 information: Drivers' license number, license type, date of birth,
35 name, address, issue date and expiration date;

36 (C) assisting the selective service system in the maintenance of a
37 list of persons 18 to 26 years of age in this state as required under the
38 provisions of section 3 of the federal military selective service act;

39 (D) assisting any federal, state or local agency, including any
40 court or law enforcement agency, or any private person acting on
41 behalf of such agencies in carrying out the functions required of such
42 governmental agency, except that such records shall not be
43 redisclosed;

1 (E) assisting businesses with the verification or reporting of
2 information derived from the title and registration records of the
3 division to prepare and assemble vehicle history reports, except that
4 such vehicle history reports shall not include the names or addresses
5 of any current or previous owners;

6 (F) assisting businesses in producing motor vehicle title or motor
7 vehicle registration, or both, statistical reports, so long as personal
8 information is not published, redisclosed or used to contact
9 individuals;

10 (G) assisting an employer or an employer's authorized agent in
11 monitoring the driving record of the employees required to drive in
12 the course of employment to ensure driver behavior, performance or
13 safety; or

14 (H) assisting the Kansas commission on veterans affairs *office* in
15 notifying veterans of the facilities, benefits and services available to
16 veterans.

17 (2) Any law enforcement agency of this state which has access to
18 motor vehicle records may furnish to a requesting party, and a
19 requesting party may receive, such a list and accompanying
20 information from such records upon written certification that the
21 requesting party shall use the list solely for the purpose of assisting an
22 insurer authorized to do business in this state, or the insurer's
23 authorized agent, in processing an application for, or renewal or
24 cancellation of, a motor vehicle liability insurance policy.

25 (d) If a law enforcement agency of this state furnishes
26 information to a requesting party pursuant to paragraph (2) of
27 subsection (c), the law enforcement agency shall charge the fee
28 prescribed by the secretary of revenue pursuant to K.S.A. 74-2022,
29 and amendments thereto, for any copies furnished and may charge an
30 additional fee to be retained by the law enforcement agency to cover
31 its cost of providing such copies. The fee prescribed pursuant to
32 K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the
33 secretary of revenue and upon receipt thereof shall be deposited in the
34 state treasury to the credit of the electronic databases fee fund, except
35 for the \$1 of the fee for each record required to be credited to the
36 highway patrol training center fund under subsection (f).

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

42 (f) A fee in an amount fixed by the secretary of revenue pursuant
43 to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for

1 each full or partial motor vehicle record shall be charged by the
2 division, except that the director may charge a lesser fee pursuant to a
3 contract between the secretary of revenue and any person to whom
4 the director is authorized to furnish information under paragraph (1)
5 of subsection (c), and such fee shall not be less than the cost of
6 production or reproduction of any full or partial motor vehicle record
7 requested. Except for the fees charged pursuant to a contract for
8 motor vehicle records authorized by this subsection pertaining to
9 motor vehicle titles or motor vehicle registrations or pursuant to
10 subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway
11 patrol training center fund for each motor vehicle record provided by
12 the division of vehicles.

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

16 Sec. 35. K.S.A. 2013 Supp. 75-3370 is hereby amended to read as
17 follows: 75-3370. (a) ~~The secretary of social and rehabilitation for aging~~
18 ~~and disability services is hereby authorized to enter into an interagency~~
19 ~~agreement with the secretary of corrections and the director of the~~
20 ~~Kansas commission on veterans affairs office transferring the charge,~~
21 ~~care, management and control of the Winfield state hospital and~~
22 ~~training center property to the department of corrections and the~~
23 ~~Kansas commission on veterans affairs office in accordance with the~~
24 ~~current uses of the Winfield state hospital and training center~~
25 ~~property and as agreed upon by the secretary of corrections and the~~
26 ~~director of the Kansas commission on veterans affairs office.~~

27 (b) At such time as specific title descriptions to the portion of the
28 Winfield state hospital and training center property that is transferred
29 to the charge, care, management and control of the department of
30 corrections and the portion of the Winfield state hospital and training
31 center property that is transferred to the charge, care, management
32 and control of the *director of the Kansas commission on veterans*
33 *affairs office* have been determined and are available, the secretary ~~of~~
34 ~~social and rehabilitation for aging and disability services~~ shall convey,
35 without compensation, title to such portions of the Winfield state
36 hospital and training center property to the department of corrections
37 and the *Kansas commission on veterans affairs office*, respectively.
38 The conveyance prescribed by this section shall not be subject to the
39 provisions of K.S.A. 75-3043a, and amendments thereto.

40 (c) "Winfield state hospital and training center property" means
41 the state-owned real estate, including any improvements thereon,
42 which is located in the city of Winfield and Cowley county and which
43 is described as follows:

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

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

6 **(3) Part of the Northwest Quarter of Section 15, Township 32**
7 **South, Range 4 East of the 6th P.M., that lies East of the Centerline of**
8 **Timber Creek, and described as follows: Commencing at the**
9 **Northeast corner of said Quarter Section; Thence West along the**
10 **North line of said Quarter Section to the center of the Channel of**
11 **Timber Creek; Thence Southerly down the center of the channel of**
12 **said creek (following the meanderings thereof) to the South line of said**
13 **Quarter Section; Thence East along the South line of said Quarter**
14 **Section to the Southeast Corner of said Quarter Section; Thence**
15 **North along the East line of said Quarter Section to the Point of**
16 **Beginning.**

17 **Sec. 36. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as**
18 **follows: 75-4362. (a) The director of the division of personnel services**
19 **of the department of administration shall have the authority to**
20 **establish and implement a drug screening program for persons taking**
21 **office as governor, lieutenant governor, attorney general or members**
22 **of the Kansas senate or house of representatives and for applicants for**
23 **safety sensitive positions in state government, but no applicant for a**
24 **safety sensitive position shall be required to submit to a test as a part**
25 **of this program unless the applicant is first given a conditional offer of**
26 **employment.**

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

31 **(1) The office of governor, lieutenant governor or attorney**
32 **general;**

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

34 **(3) any safety sensitive position;**

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

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

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

42 **(7) any employee of a state veteran's home operated by the**
43 **director of the Kansas commission on ~~veteran's~~ veterans affairs office as**

1 described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and
2 amendments thereto.

3 (c) Any public announcement or advertisement soliciting
4 applications for employment in a safety sensitive position in state
5 government shall include a statement of the requirements of the drug
6 screening program established under this section for applicants for
7 and employees holding a safety sensitive position.

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

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

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

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

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

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

27 (1) All state law enforcement officers who are authorized to carry
28 firearms;

29 (2) all state corrections officers;

30 (3) all state parole officers;

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

33 (5) all employees with access to secure facilities of a correctional
34 institution, as defined in K.S.A. 2013 Supp. 21-5914, and amendments
35 thereto;

36 (6) all employees of a juvenile correctional facility, as defined in
37 K.S.A. 2013 Supp. 38-2302, and amendments thereto;

38 (7) all employees within an institution of mental health, as defined
39 in K.S.A. 76-12a01, and amendments thereto, who provide clinical,
40 therapeutic or rehabilitative services to the clients and patients of those
41 institutions; and

42 (8) all employees who have access to a secured biological
43 laboratory in the office of laboratory services of the department of

1 health and environment.

2 Sec. 37. K.S.A. 2013 Supp. 76-6b05 is hereby amended to read as
3 follows: 76-6b05. (a) All moneys received by the state treasurer under
4 K.S.A. 76-6b04, and amendments thereto, shall be credited to the state
5 institutions building fund, which is hereby created in the state
6 treasury, to be used for the construction, reconstruction, equipment
7 and repair of buildings and grounds at institutions specified in K.S.A.
8 76-6b04, and amendments thereto, and for payment of debt service on
9 revenue bonds issued to finance such projects, all subject to
10 appropriation by the legislature.

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

32 (c) Subject to any restrictions imposed by appropriation acts, the
33 ~~department of social and rehabilitation~~ *Kansas department for aging and*
34 *disability services* is authorized to pledge funds appropriated to it from
35 the state institutions building fund or from any other source and
36 transferred to a special revenue fund of the ~~department of social and~~
37 ~~rehabilitation~~ *Kansas department for aging and disability services*
38 specified by statute for the payment of debt service on revenue bonds
39 issued for a new state security hospital on the Larned state hospital
40 grounds or any other capital improvement projects at any other
41 institution or facility of the ~~department of social and rehabilitation~~
42 *Kansas department for aging and disability services*. Subject to any
43 restrictions imposed by appropriation acts, the ~~department of social and~~

1 ~~rehabilitation Kansas department for aging and disability services~~ is also
2 authorized to pledge any funds appropriated to it from the state
3 institutions building fund or from any other source and transferred to
4 a special revenue fund of the ~~department of social and rehabilitation~~
5 ~~Kansas department for aging and disability services~~ specified by statute
6 as a priority for the payment of debt service on such revenue bonds.
7 Neither the state or the ~~department of social and rehabilitation~~ ~~Kansas~~
8 ~~department for aging and disability services~~ shall have the power to
9 pledge the faith and credit or taxing power of the state of Kansas for
10 such purposes and any payment by the ~~department of social and~~
11 ~~rehabilitation~~ ~~Kansas department for aging and disability services~~ for
12 such purposes shall be subject to and dependent on appropriations
13 being made from time to time by the legislature. Any obligation of the
14 ~~department of social and rehabilitation~~ ~~Kansas department for aging and~~
15 ~~disability services~~ for payment of debt service on revenue bonds and
16 any such revenue bonds issued for a new state security hospital on the
17 Larned state hospital grounds or any other capital improvement
18 projects at any other institution or facility of the ~~department of social~~
19 ~~and rehabilitation~~ ~~Kansas department for aging and disability services~~
20 shall not be considered a debt or obligation of the state for the purpose
21 of section 6 of article 11 of the constitution of the state of Kansas.

22 (d) Subject to any restrictions imposed by appropriation acts, the
23 *director of the Kansas commission on veterans affairs office* is
24 authorized to pledge funds appropriated to it from the state
25 institutions building fund or from any other source and transferred to
26 a special revenue fund of the Kansas commission on veterans affairs
27 *office* specified by statute for the payment of debt service on revenue
28 bonds issued for veterans' home HVAC system replacement. Subject
29 to any restrictions imposed by appropriation acts, the *director of the*
30 *Kansas commission on veterans affairs office* is also authorized to
31 pledge any funds appropriated to it from the state institutions building
32 fund or from any other source and transferred to a special revenue
33 fund of the Kansas commission on veterans affairs *office* specified by
34 statute as a priority for the payment of debt service on such revenue
35 bonds. Neither the state ~~or~~ nor the *director of the Kansas commission*
36 *on veterans affairs office* shall have the power to pledge the faith and
37 credit or taxing power of the state of Kansas for such purposes and
38 any payment by the Kansas commission on veterans affairs *office* for
39 such purposes shall be subject to and dependent on appropriations
40 being made from time to time by the legislature. Any obligation of the
41 *Kansas commission on veterans affairs office* for payment of debt
42 service on revenue bonds and any such revenue bonds issued for
43 veterans' home HVAC system replacement shall not be considered a

1 debt or obligation of the state for the purpose of section 6 of article 11
2 of the constitution of the state of Kansas.

3 **Sec. 38.** K.S.A. 76-1904 is hereby amended to read as follows: 76-
4 **1904. (a)** *The director of the Kansas commission on veterans affairs*
5 *office shall have full control of the Kansas soldiers' home, the*
6 *property, effects, supervision and management thereof.*

7 **(b)** ~~A superintendent of the Kansas soldiers' home shall be appointed~~
8 ~~by the Kansas commission on veterans affairs, and shall serve at the~~
9 ~~pleasure of the commission. The superintendent shall be in the unclassified~~
10 ~~service under the Kansas civil service act and shall receive an annual~~
11 ~~salary fixed by the Kansas commission on veterans affairs, with the~~
12 ~~approval of the governor. The superintendent of the Kansas soldiers' home~~
13 ~~shall perform such duties and exercise such powers as the commission~~
14 ~~may prescribe, and such duties and powers as are prescribed by law~~ *A*
15 *superintendent of the Kansas soldiers' home shall be appointed by the*
16 *director of the Kansas commission on veterans affairs office in accordance*
17 *with K.S.A. 73-1210a, and amendments thereto.*

18 **Sec. 39.** K.S.A. 76-1904a is hereby amended to read as follows:
19 **76-1904a.** ~~The director of the Kansas veterans' commission on veterans~~
20 ~~affairs office shall establish rates of charges to be made to members~~
21 ~~and patients of the Kansas soldiers' home. Such charges shall not~~
22 ~~exceed an amount equal to the per diem cost of care for the preceding~~
23 ~~year or the charge made against patients under K.S.A. 59-2006, and~~
24 ~~amendments thereto, whichever is the smaller. No action shall be~~
25 ~~commenced by the director of the Kansas veterans' commission on~~
26 ~~veterans affairs office against a member or patient or the estate of a~~
27 ~~member or patient for the recovery of any such charges unless such~~
28 ~~action is commenced within five (5) years after the date such charges~~
29 ~~are incurred. Such commission director may compromise and settle~~
30 ~~any claim for charges hereunder, and may, upon payment of a~~
31 ~~valuable consideration by the member or patient or his or her estate,~~
32 ~~discharge and release such member, patient or estate of any or all past~~
33 ~~liability incurred hereunder. Whenever the commission director shall~~
34 ~~negotiate a compromise agreement to settle any claim due or claim to~~
35 ~~be due from a member or a patient or his or her estate, no action shall~~
36 ~~thereafter be brought or claim made for any amounts due for charges~~
37 ~~incurred prior to the effective date of the agreement entered into,~~
38 ~~except for the amounts provided for in the agreement. Nothing in this~~
39 ~~act shall be deemed to extend the period specified in K.S.A. 59-2239,~~
40 ~~and amendments thereto, for the purposes therein specified.~~

41 **Sec. 40.** K.S.A. 2013 Supp. 76-1906 is hereby amended to read as
42 follows: 76-1906. The superintendent of the Kansas soldiers' home
43 shall remit all moneys received by or for the superintendent under

1 article 19 of chapter 76 of *the Kansas Statutes Annotated*, and
2 amendments thereto, and all moneys received from the United States
3 veterans administration for reimbursements for the care of residents
4 to the state treasurer in accordance with the provisions of K.S.A. 75-
5 4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury
7 to the credit of the soldiers' home fee fund. All expenditures from such
8 fund shall be made in accordance with appropriation acts upon
9 warrants of the director of accounts and reports issued pursuant to
10 vouchers approved by the director of the ~~Kansas veterans'~~ *commission*
11 *on veterans affairs office* or by a person or persons designated by the
12 director.

13 Sec. 41. K.S.A. 76-1908 is hereby amended to read as follows: 76-
14 1908. (a) The following, subject to the rules and regulations that may
15 be adopted by the *director of the Kansas commission on veterans*
16 *affairs office* for the management and government of the Kansas
17 soldiers' home, shall be eligible to admission to the Kansas soldiers'
18 home:

19 (1) Any person who served in the active military service of the
20 United States during any period of war, or who served in the active
21 military service of the United States during peacetime and is entitled
22 to veterans administration hospitalization or domiciliary care under
23 title 38, United States code and veterans administration rules and
24 regulations, and who has been discharged or relieved therefrom under
25 conditions other than dishonorable, who may be disabled by disease,
26 wounds, old age or otherwise disabled, and who, by reason of such
27 disability, is incapacitated from earning a living.

28 (2) The widow, mother, widower, father or minor child of any
29 person who qualified under paragraph (1) of subsection (a), if such
30 widow, mother, widower, father or minor child is incapable of self-
31 support because of physical disability.

32 (b) No person shall be admitted to the soldiers' home except upon
33 application to the *Kansas commission on veterans affairs office* and
34 approval of the application by the ~~commission~~ *director*. No applicant
35 shall be admitted to the soldiers' home who has not been an actual
36 resident of the state of Kansas for at least two years next preceding the
37 date of application.

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

43 (d) No child shall be admitted to or retained in the soldiers' home

1 who is 16 years of age or over, unless such child is incapable of
2 supporting oneself.

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

5 (f) The *director of the Kansas commission on veterans affairs*
6 *office* shall have authority by resolution to discharge any member
7 from the soldiers' home on a showing that the member has gained
8 admittance into the soldiers' home by misrepresentation of the
9 member's financial or physical condition, or a showing that the
10 financial or physical condition of such member has been so altered
11 since admittance so that the further maintenance of the member in the
12 soldiers' home is not justified. No such member shall be discharged
13 without notice and opportunity to be heard in accordance with the
14 provisions of the Kansas administrative procedure act.

15 (g) The rules and regulations for admission of members to the
16 Kansas soldiers' home: (1) Shall require that a veteran who has no
17 adequate means of support, and such members of the family as are
18 dependent upon such person for support, shall be given priority over
19 other applicants for admission; and (2) shall require that an applicant
20 for admission be given priority over patients transferred from state
21 institutions under the provisions of K.S.A. 76-1936, and amendments
22 thereto.

23 Sec. 42. K.S.A. 76-1927 is hereby amended to read as follows: 76-
24 1927. The *director of the Kansas—veterans' commission on veterans*
25 *affairs office* shall have the authority to establish rules and regulations
26 for the management and operation of the Kansas soldiers' home and
27 governing conduct and discipline of the members of and other persons
28 in the Kansas soldiers' home. Such rules and regulations shall be filed
29 with the secretary of state as provided by law.

30 Sec. 43. K.S.A. 76-1928 is hereby amended to read as follows: 76-
31 1928. The *director of the Kansas commission on veterans affairs office* or
32 *the superintendent of the Kansas soldiers' home* shall enforce such
33 rules and regulations and ~~he or she~~ may furlough any member for
34 violation of such rules.

35 Sec. 44. K.S.A. 76-1929 is hereby amended to read as follows: 76-
36 1929. The *director of the Kansas—veterans' commission on veterans*
37 *affairs office* may discharge any member who violates such rules and
38 regulations, except that no member shall be discharged without notice
39 to such member and a right to be heard concerning such charges in
40 accordance with the provisions of the Kansas administrative
41 procedure act.

42 Sec. 45. K.S.A. 76-1931 is hereby amended to read as follows: 76-
43 1931. If any member of such soldiers' home shall refuse to vacate the

1 premises upon receiving a furlough from the officers designated to
2 enforce the rules and regulations, such refusal shall constitute a
3 forfeiture of ~~his or her~~ *such person's* right to remain in the home and
4 such member shall be forthwith discharged by the *director of the*
5 ~~Kansas veterans' commission~~ *on veterans affairs office*.

6 **Sec. 46.** K.S.A. 76-1932 is hereby amended to read as follows: 76-
7 1932. If any member shall refuse to vacate the premises upon being
8 discharged by the *director of the Kansas veterans' commission on*
9 *veterans affairs office*, such member shall ~~forthwith forfeit his or her~~
10 *such member's* right to subsistence and rations for ~~himself or herself~~ *the*
11 *member and the member's dependents, if any, and the director of the*
12 ~~Kansas veterans' commission on veterans affairs office~~ shall institute
13 legal proceedings to force such member to vacate the premises.

14 **Sec. 47.** K.S.A. 76-1935 is hereby amended to read as follows: 76-
15 1935. The *director of the Kansas veterans' commission on veterans*
16 *affairs office* shall designate a person at the Kansas soldiers' home who
17 shall be in charge of the member funds at such soldiers' home. The
18 person so designated shall have custody and charge of all moneys
19 belonging to the members, or persons attending the Kansas soldiers'
20 home, which are held for their use, benefit and burial. ~~Said~~ *The*
21 ~~director of the Kansas veterans' commission on veterans affairs office~~
22 shall designate the bank or banks, in which such moneys shall be
23 deposited, and shall provide that any sums in excess of five thousand
24 dollars (\$5,000) shall be deposited with the state treasurer for safekeeping.
25 Any fund so deposited with the state treasurer shall be held by him or her,
26 separate and apart from the other funds in his or her custody, and may be
27 withdrawn by the person designated by ~~said~~ *Kansas veterans' commission*.

28 **Sec. 48.** K.S.A. 76-1935a is hereby amended to read as follows:
29 76-1935a. The custodian of the members and patients trust fund at the
30 Kansas soldiers' home shall notify the ~~executive~~ director of the Kansas
31 ~~veterans' commission on veterans affairs office~~ of any moneys which are
32 under the custodian's charge belonging to members who have died
33 intestate, without known heirs or designated beneficiaries for funds on
34 deposit, and the ~~executive~~ director shall publish a notice for two
35 consecutive weeks in the Kansas register which shall state the name of
36 each deceased member, their last known home address and the
37 amount of the deposit remaining in the account of such former
38 member; and such notice shall further state that unless interested
39 persons appear and file a legitimate claim ~~therefor~~ within one year
40 after the date of the last publication of such notice, ~~said~~ *such* amount
41 or amounts will be transferred to the general fees fund of the soldiers'
42 home to help defray unrecovered costs connected with the
43 maintenance and operation of the soldiers' home and for accounting,

1 auditing, budgeting, legal, payroll, personnel and purchasing services
2 which are performed on behalf of such agency by other state agencies.

3 Unless a party entitled thereto shall make claim within the time
4 stated in the notice, the balance in any former member's fund as so
5 published for which no claim is made as prescribed herein shall be
6 transferred as hereinabove provided. Thereafter, unless a claim is filed
7 with the ~~veterans'~~ *director of the Kansas commission on veterans affairs*
8 *office within two years after such transfer is made, no claim may be*
9 *made or filed for such former member's fund, except that a person*
10 *under legal disability during the two-year period may file a claim*
11 *within one year after removal of the disability. The* ~~veterans'~~ *director of*
12 *the Kansas commission on veterans affairs office is hereby authorized to*
13 *make payments to claimants it shall determine are entitled thereto, if*
14 *such claims otherwise comply with the terms of this act, and such*
15 *payments shall be authorized from the general fees fund of the Kansas*
16 *soldiers' home to which the former members funds were transferred.*

17 Sec. 49. K.S.A. 76-1936 is hereby amended to read as follows: 76-
18 1936. (a) The commissioner of mental health and developmental
19 disabilities of the ~~department of social and rehabilitation~~ *Kansas*
20 *department for aging and disability services, with the approval of the*
21 *secretary of social and rehabilitation for aging and disability services and*
22 *the director of the Kansas* ~~veterans'~~ *commission on veterans affairs*
23 *office, may transfer patients in the state hospitals at Topeka,*
24 *Osawatomie and Larned and patients in the Rainbow mental health*
25 *facility, the Parsons state hospital and training center and the Winfield*
26 *state hospital and training center who have served in the military or*
27 *naval forces of the United States or whose husband, wife, father, son*
28 *or daughter has served in the active military or naval service of the*
29 *United States during any period of any war as defined in K.S.A. 76-*
30 *1908, and amendments thereto, and who was discharged or relieved*
31 *therefrom under conditions other than dishonorable, to the Kansas*
32 *soldiers' home. No patient who is such a mentally ill person, in the*
33 *opinion of the commissioner of mental health and developmental*
34 *disabilities, that because of such patient's illness such patient is likely*
35 *to injure himself or others, shall be so transferred to such Kansas*
36 *soldiers' home, and no such patient shall be so transferred if such*
37 *transfer will deny admission to persons entitled to admission under*
38 *K.S.A. 76-1908, and amendments thereto, and rules and regulations*
39 *promulgated thereunder. Persons so transferred shall not be*
40 *considered as members of the Kansas soldiers' home but shall be*
41 *considered as patients therein.*

42 (b) All of the laws, rules and regulations relating to patients in the
43 above-specified state hospitals and mental health facility shall be

1 applicable to such patients so transferred insofar as the same can be
2 made applicable. Any patient so transferred who is found to be or
3 shall become such a mentally ill person, in the opinion of the
4 commissioner of mental health and developmental disabilities, that
5 because of such patient's illness such patient is likely to injure
6 himself or others or who is determined to need additional psychiatric
7 treatment, shall be retransferred by the superintendent of the Kansas
8 soldiers' home, with the approval of the commissioner of mental
9 health and developmental disabilities *and the director of the Kansas*
10 *commission on veterans affairs office*, to the institution from whence the
11 patient was originally transferred.

12 **Sec. 50.** K.S.A. 2013 Supp. 76-1939 is hereby amended to read as
13 follows: 76-1939. The Kansas ~~veterans'~~ *commission on veterans affairs*
14 *office* shall not engage in farming operations on the farm land which
15 are part of the lands of the Kansas soldiers' home except that the
16 *Kansas commission on veterans affairs office* may engage in and permit
17 vegetable gardening on a portion of such lands. All such farm lands
18 not needed or used for vegetable gardening shall be rented or leased,
19 for a period not to exceed five years, by the *Kansas commission on*
20 *veterans affairs office*, except that if the Kansas state university of
21 agriculture and applied science shall request that such lands be rented
22 or leased to it for agricultural experimental purposes, it shall be given
23 preference when such lands are rented or leased. Any such rental or
24 lease agreement shall not include any buildings or improvements other
25 than irrigation pumps and facilities. All moneys derived from the lease
26 or rental of such farm lands shall be remitted 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
30 Kansas soldiers' home and Mother Bickerdyke annex fee fund for the
31 use of such soldiers' home.

32 **Sec. 51.** K.S.A. 76-1941 is hereby amended to read as follows: 76-
33 1941. (a) The *director of the Kansas commission on*~~veterans'~~ *affairs*
34 *office* may enter into a written contract with any individual who is
35 eligible for admission to the Kansas soldiers' home under K.S.A. 76-
36 1908, and amendments thereto, to authorize the construction of a
37 single-family dwelling for use as a home for such individual and such
38 individual's family members on the real property of the Kansas
39 soldiers' home in accordance with rules and regulations adopted by
40 the *director of the Kansas commission on veterans affairs office* under
41 this section. Each such dwelling shall be constructed and maintained:
42 (1) At the expense of the individual entering into a contract with the
43 ~~commission~~ *director* under this section, including any required sewer,

1 water and utility connections; (2) at a location on the real property of
2 the Kansas soldiers' home approved in accordance with rules and
3 regulations adopted by the ~~commission~~ *director* under this section;
4 and (3) in accordance with the building design, construction and
5 materials standards as authorized or prescribed by rules and
6 regulations adopted by the ~~commission~~ *director* under this section.

7 (b) The *director of the Kansas commission on veterans affairs*
8 *office* shall grant a life estate to each individual who enters into a
9 contract under this section and who constructs a dwelling at the
10 Kansas soldiers' home in accordance with this section and the rules
11 and regulations adopted by the ~~commission~~ *director* under this section.
12 The life estate shall be for the dwelling and the tract of real property
13 that the dwelling is constructed on, as specified in the contract entered
14 into under this section, for the life of the individual and the lives of
15 such individual's family members who are residing in the dwelling.
16 Each life estate granted by the ~~commission~~ *director* under this section
17 shall be approved as to form and legality by the attorney general.

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

23 (d) The *director of the Kansas commission on veterans affairs*
24 *office* shall adopt rules and regulations prescribing policies and
25 procedures for the construction and maintenance of single-family
26 dwellings on the real estate of Kansas soldiers' home, prescribing
27 building design, construction and materials standards for such
28 dwellings, and for such other matters as may be required for the
29 implementation and administration of this section. No rule and
30 regulation shall be adopted by the *director of the Kansas commission*
31 *on veterans affairs office* under this subsection unless the *director of*
32 *the Kansas commission on veterans affairs office* first has advised and
33 consulted with the joint committee on state building construction and
34 has presented such proposed rule and regulation to the joint
35 committee on state building construction.

36 (e) As used in this section, "family members" includes the spouse
37 of an individual who has entered into a contract under this section, the
38 widow or widower of an individual who has entered into a contract
39 under this section, and the mother, father or minor child of an
40 individual who has entered into a contract under this section, if such
41 mother, father or minor child is incapable of self-support because of
42 physical disability.

43 Sec. 52. K.S.A. 76-1951 is hereby amended to read as follows: 76-

1 **1951. (a) On and after January 1, 1998, the Kansas commission on**
2 **veterans affairs office shall operate a Kansas veterans' home to be**
3 **located on the grounds of Winfield state hospital and training center.**
4 **The director of the Kansas commission on veterans affairs office and**
5 **the secretary of social and rehabilitation for aging and disability services**
6 **shall enter into an agreement concerning property, premises, facilities,**
7 **installations, equipment and records of Winfield state hospital and**
8 **training center which will be transferred to the director of the Kansas**
9 **commission on veterans affairs office for the purpose of establishing**
10 **and operating the Kansas veterans' home. The agreement shall**
11 **establish the timing of any such transfers. Any conflict as to the**
12 **proper disposition of property or records arising under this section**
13 **shall be determined by the governor, whose decision shall be final.**

14 (b) *The director of the Kansas commission on veterans affairs*
15 *office shall have full control of the Kansas veterans' home, the*
16 *property, effects, supervision and management of the home.*

17 (c) *The director of the Kansas commission on veterans affairs*
18 *office may enter into an agreement with the United States department*
19 *of veterans affairs for the use and operation of the nursing care unit of*
20 *the Wichita veterans administration medical center in Wichita,*
21 *Kansas, as a long-term care unit of the Kansas veterans' home, which*
22 *shall be known as the Kansas veterans' home long-term care annex.*
23 **The Kansas veterans' home long-term care annex shall be operated as**
24 **a part of the Kansas veterans' home and shall be construed to be part**
25 **of the Kansas veterans' home for all purposes under statutes**
26 **governing or referring to the Kansas veterans' home.**

27 (d) ~~A superintendent of the Kansas veterans' home shall be appointed~~
28 ~~by the Kansas commission on veterans affairs, and shall serve at the~~
29 ~~pleasure of the commission. The superintendent shall be in the unclassified~~
30 ~~service under the Kansas civil service act and shall receive an annual~~
31 ~~salary fixed by the Kansas commission on veterans affairs, with the~~
32 ~~approval of the governor. The superintendent of the Kansas veterans' home~~
33 ~~shall perform such duties and exercise such powers as the commission~~
34 ~~may prescribe, and such duties and powers as are prescribed by law~~ *A*
35 *superintendent of the Kansas veterans' home shall be appointed by the*
36 *director of the Kansas commission on veterans affairs office in accordance*
37 *with K.S.A. 73-1210a, and amendments thereto.*

38 **Sec. 53. K.S.A. 76-1952 is hereby amended to read as follows: 76-**
39 **1952. The director of the Kansas commission on veterans affairs office**
40 **shall establish rates of charges to be made to members and patients of**
41 **the Kansas veterans' home. The charges in the first year of operation**
42 **of the Kansas veterans' home shall not exceed an amount equal to the**
43 **per diem cost of care for the Kansas soldiers' home for the preceding**

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

23 Sec. 54. K.S.A. 2013 Supp. 76-1953 is hereby amended to read as
24 follows: 76-1953. The superintendent of the Kansas veterans' home
25 shall remit all moneys received by or for the superintendent under this
26 act and all moneys received from the United States department of
27 veterans affairs for reimbursements for the care of residents to the
28 state treasurer in accordance with the provisions of K.S.A. 75-4215,
29 and amendments thereto. Upon receipt of each such remittance, the
30 state treasurer shall deposit the entire amount in the state treasury to
31 the credit of the veterans' home fee fund which is hereby created. All
32 expenditures from such fund shall be made in accordance with
33 appropriation acts upon warrants of the director of accounts and
34 reports issued pursuant to vouchers approved by the ~~executive~~
35 *director of the Kansas commission on veterans affairs office* or by a
36 person or persons designated by the ~~executive~~ director.

37 Sec. 55. K.S.A. 76-1954 is hereby amended to read as follows: 76-
38 1954. (a) The following, subject to the rules and regulations that may
39 be adopted by the *director of the Kansas commission on veterans*
40 *affairs office* for the management and government of the Kansas
41 veterans' home, shall be eligible to admission to the Kansas veterans'
42 home:

43 (1) Any person who served in the active military service of the

1 United States during any period of war, or who served in the active
2 military service of the United States during peacetime and is entitled
3 to veterans affairs hospitalization or domiciliary care under title 38 of
4 the United States code and federal veterans affairs rules and
5 regulations, and who has been discharged or relieved therefrom under
6 conditions other than dishonorable, who may be disabled by disease,
7 wounds, old age or otherwise disabled, and who, by reason of such
8 disability, is incapacitated from earning a living; and

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

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

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

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

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

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

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

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

1 admission; and

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

5 Sec. 56. K.S.A. 76-1955 is hereby amended to read as follows: 76-
6 1955. (a) The *director of the Kansas commission on veterans affairs*
7 *office* shall have the authority to establish rules and regulations for the
8 management and operation of the Kansas veterans' home and
9 governing conduct and discipline of the members of and other persons
10 in the Kansas veterans' home. Such rules and regulations shall be filed
11 with the secretary of state as provided by law.

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

15 (c) The *director of the Kansas commission on veterans affairs*
16 *office* may discharge any member who violates such rules and
17 regulations, except that no member shall be discharged without notice
18 to such member and a right to be heard concerning such charges in
19 accordance with the provisions of the Kansas administrative
20 procedure act.

21 (d) If any member shall seek an injunction or restraining order to
22 restrain the *director of the Kansas commission on veterans affairs*
23 *office* or the officers of such Kansas veterans' home from enforcing
24 such rules and regulations or to restrain disciplinary action, during
25 the pendency of such legal proceedings, such member and the
26 member's dependents, if any, shall not be entitled to draw subsistence
27 or rations as provided for by such home.

28 (e) If any member of such veterans' home shall refuse to vacate
29 the premises upon receiving a furlough from the officers designated to
30 enforce the rules and regulations, such refusal shall constitute a
31 forfeiture of such member's right to remain in the home and such
32 member shall be forthwith discharged by the *director of the Kansas*
33 *commission on veterans affairs office*.

34 (f) If any member shall refuse to vacate the premises upon being
35 discharged by the *director of the Kansas commission on veterans*
36 *affairs office*, such member shall forthwith forfeit the member's right
37 to subsistence and rations for such member and dependents, if any,
38 and the *director of the Kansas commission on veterans affairs office*
39 shall institute legal proceedings to force such member to vacate the
40 premises.

41 (g) The word "member" as used in this act shall refer to any
42 person legally admitted as a member or any dependent of such
43 member, or any person drawing subsistence or quarters in the Kansas

1 veterans' home for any reason whatsoever, except the employees of
2 such veterans' home. The word "member" shall not include any
3 person transferred to the veterans' home from any state hospital or
4 training school.

5 Sec. 57. K.S.A. 76-1956 is hereby amended to read as follows: 76-
6 1956. The *director of the Kansas commission on veterans affairs office*
7 shall designate a person at the Kansas veterans' home who shall be in
8 charge of the member funds at such veterans' home. The person so
9 designated shall have custody and charge of all moneys belonging to
10 the members, or patients residing in the Kansas veterans' home, which
11 are held for their use, benefit and burial. The *director of the Kansas*
12 *commission on veterans affairs office* shall designate the bank or
13 banks, in which such moneys shall be deposited, ~~and shall provide that~~
14 ~~any sums in excess of \$5,000 shall be deposited with the state treasurer for~~
15 ~~safekeeping. Any fund so deposited with the state treasurer shall be held~~
16 ~~by the state treasurer, separate and apart from the other funds in the~~
17 ~~custody of the state treasurer, and may be withdrawn by the person~~
18 ~~designated by the Kansas commission on veterans affairs.~~

19 Sec. 58. K.S.A. 76-1957 is hereby amended to read as follows: 76-
20 1957. (a) The custodian of the members and patients trust fund at the
21 Kansas veterans' home shall notify the ~~executive~~ director of the
22 Kansas commission on veterans affairs *office* of any moneys which are
23 under the custodian's charge belonging to members who have died
24 intestate, without known heirs or designated beneficiaries for funds on
25 deposit, and the ~~executive~~ director shall publish a notice for two
26 consecutive weeks in the Kansas register which shall state the name of
27 each deceased member, their last known home address and the
28 amount of the deposit remaining in the account of such former
29 member; and such notice shall further state that unless interested
30 persons appear and file a legitimate claim therefor within one year
31 after the date of the last publication of such notice, such amount or
32 amounts will be transferred to the general fees fund of the veterans'
33 home to help defray unrecovered costs connected with the
34 maintenance and operation of the veterans' home and for accounting,
35 auditing, budgeting, legal, payroll, personnel and purchasing services
36 which are performed on behalf of such agency by other state agencies.

37 (b) Unless a party entitled thereto makes claim within the time
38 stated in the notice, the balance in any former member's fund as so
39 published for which no claim is made as prescribed in this section
40 shall be transferred as provided in this section. Thereafter, unless a
41 claim is filed with the *Kansas commission on veterans affairs office*
42 within two years after such transfer is made, no claim may be made or
43 filed for such former member's fund except that a person under legal

1 disability during the two-year period may file a claim within one year
2 after removal of the disability. The *director of the Kansas commission*
3 *on veterans affairs office* is hereby authorized to make payments to
4 claimants it shall determine are entitled thereto, if such claims
5 otherwise comply with the terms of this act; and such payments shall
6 be authorized from the general fees fund of the Kansas veterans' home
7 to which the former member's funds were transferred.

8 Sec. 59. K.S.A. 76-1958 is hereby amended to read as follows: 76-
9 1958. (a) The commissioner of mental health and developmental
10 disabilities of the ~~department of social and rehabilitation~~ *Kansas*
11 *department for aging and disability services*, with the approval of the
12 ~~secretary of social and rehabilitation for aging and disability services~~ and
13 the *director of the Kansas commission on veterans affairs office*, may
14 transfer patients in the state hospitals in Topeka, Osawatomie and
15 Larned and patients in the Rainbow mental health facility, the
16 Parsons state hospital and training center and the Winfield state
17 hospital and training center who have served in the military or naval
18 forces of the United States or whose husband, wife, father, son or
19 daughter has served in the active military or naval service of the
20 United States during any period of any war as defined in K.S.A. 76-
21 1954, and amendments thereto, and was discharged or relieved
22 therefrom under conditions other than dishonorable, to the Kansas
23 veterans' home. No patient who is such a mentally ill person, in the
24 opinion of the commissioner of mental health and developmental
25 disabilities, that because of such patient's illness such patient is likely
26 to injure oneself or others shall be so transferred to such Kansas
27 veterans' home, and no such patient shall be so transferred if such
28 transfer will deny admission to persons entitled to admission under
29 K.S.A. 76-1954, and amendments thereto, and rules and regulations
30 promulgated thereunder. Persons so transferred shall not be
31 considered as members of the Kansas veterans' home but shall be
32 considered as patients therein.

33 (b) All of the laws, rules and regulations relating to patients in the
34 above-specified state hospitals and mental health facilities shall be
35 applicable to such patients so transferred insofar as the same can be
36 made applicable. Any patient so transferred who is found to be or
37 shall become such a mentally ill person, in the opinion of the
38 commissioner of mental health and developmental disabilities, that
39 because of such patient's illness such patient is likely to injure oneself
40 or others or who is determined to need additional psychiatric
41 treatment, shall be retransferred by the superintendent of the Kansas
42 veterans' home, with the approval of the commissioner of mental
43 health and developmental disabilities *and the director of the Kansas*

1 *commission on veterans affairs office, to the institution from which the*
2 *patient was originally transferred.*

3 **Sec. 60. K.S.A. 2013 Supp. 79-3221k is hereby amended to read as**
4 **follows: 79-3221k. (a) For all tax years commencing after December**
5 **31, 2011, each Kansas state individual income tax return form shall**
6 **contain a designation as follows:**

7 **Kansas Hometown Heroes Fund. Check if you wish to donate, in**
8 **addition to your tax liability, or designate from your refund, _____\$1,**
9 **_____ \$5, _____ \$10 or \$_____.**

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

28 **Sec. 61. K.S.A. 73-209, 73-210, 73-1207, 73-1208b, 73-1208c, 73-**
29 **1211, 73-1220, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227,**
30 **73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-**
31 **1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936,**
32 **76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-**
33 **1958 and K.S.A. 2012 Supp. 74-2012, as amended by section 3 of**
34 **chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp.**
35 **39-923, 65-1732, 65-2418, 73-1208a, 73-1209, 73-1210a, 73-1217, 73-**
36 **1218, 73-1219, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239,**
37 **73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-**
38 **1939, 76-1953 and 79-3221k are hereby repealed.**

39 **Sec. 62. This act shall take effect and be in force from and after its**
40 **publication in the statute book.**