

As Amended by House Committee

Session of 2008

HOUSE BILL No. 2663

By Committee on Veterans, Military and Homeland Security

1-23

10 AN ACT relating to veterans; amending ~~K.S.A. 73-1211~~ and K.S.A. 2007
11 Supp. 73-1210a and repealing the existing ~~sections~~ **section**.

12

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

14 Section 1. K.S.A. 2007 Supp. 73-1210a is hereby amended to read
15 as follows: 73-1210a. (a) Except as otherwise provided by law, and subject
16 to the Kansas civil service act, the executive director of the Kansas com-
17 mission on veterans affairs shall appoint such subordinate officers and
18 employees, subject to the approval of the commission, as are necessary
19 to enable the commission to exercise or perform its functions, powers
20 and duties pursuant to the provisions of article 12 of chapter 73 of Kansas
21 Statutes Annotated, and amendments thereto.

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

1 is used to disqualify a candidate, the candidate shall be informed in writ-
2 ing of that decision.

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

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) Except as otherwise provided by law, and subject to the Kansas
17 civil service act, the executive director of the Kansas commission on vet-
18 erans affairs shall appoint such subordinate officers and employees, sub-
19 ject to the approval of the Kansas commission on veterans affairs, as shall
20 be necessary to enable the commission to exercise or perform its func-
21 tions, powers and duties pursuant to the provisions of article 19 of chapter
22 76 of Kansas Statutes Annotated, and amendments thereto. All such sub-
23 ordinate officers and employees shall be within the classified service un-
24 der the Kansas civil service act, shall perform such duties and exercise
25 such powers as the commission, the executive director of the commission,
26 the superintendent of the Kansas soldiers' home and the superintendent
27 of the Kansas veterans' home may prescribe and such duties and powers
28 as are designated by law, and shall act for and exercise the powers of the
29 commission, the executive director of the commission, the superintendent
30 of the Kansas soldiers' home and the superintendent of the Kansas vet-
31 erans' home to the extent authority to do so is delegated by such com-
32 mission, executive director or superintendent.

33 (f) Any veterans service representative appointed by the executive
34 director of the Kansas commission on veterans affairs shall be an hon-
35 orably discharged veteran or retired from the United States armed forces.
36 ~~Employees of the Kansas commission on veterans affairs shall act as an~~
37 ~~agent with power of attorney for any claimant only if the power of attor-~~
38 ~~ney is taken in the name of a veterans service organization chartered by~~
39 ~~congress and recognized by the federal department on veterans affairs for~~
40 ~~claim representation~~ **No veterans service representative of the Kan-**
41 **sas commission on veterans affairs shall take a power of attorney**
42 **in the name of the Kansas commission on veterans affairs. Nothing**
43 **in this act shall be construed to prohibit any such veterans service**

1 **representative from assisting any veteran with any claim in which**
 2 **a power of attorney is not required.**

3 Nothing in this subsection shall be construed to affect the status, rights
 4 or benefits of any officer or employee of the Kansas commission on vet-
 5 erans affairs employed by such commission on the effective date of this
 6 act.

7 For the purpose of this subsection, “veterans service representative”
 8 means any officer or employee appointed pursuant to this section whose
 9 primary duties include:

10 (1) Assisting ~~and representing~~ veterans and their dependents in se-
 11 curing benefits from the federal government and the state of Kansas.

12 (2) Providing information and assistance to veterans and dependents
 13 in obtaining special services and benefits based on knowledge of federal
 14 and state laws, policies and regulations pertaining to veterans benefits
 15 and services.

16 (3) *Providing assistance to veterans service organizations participat-*
 17 *ing in the veterans claims assistance program.*

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

21 ~~Sec. 2. K.S.A. 2007 Supp. 73-1211 is hereby amended to read as~~
 22 ~~follows: 73-1211. All claims filed with the federal veterans’ administration~~
 23 ~~by the Kansas veterans’ commission shall be prosecuted by an accredited~~
 24 ~~representative of one of the participating veterans’ organizations *depart-*~~
 25 ~~*ment of veterans affairs by the Kansas commission on veterans affairs*~~
 26 ~~*shall be prepared, presented and prosecuted by an accredited represen-*~~
 27 ~~*tative of a veterans service organization chartered by congress and rec-*~~
 28 ~~*ognized by the federal department on veterans affairs for claims repre-*~~
 29 ~~*sentation. No employee of any veterans’ organization shall participate in*~~
 30 ~~*or receive any funds hereinafter appropriated or made available to the*~~
 31 ~~*Kansas veterans’ commission unless such employing veterans’ organiza-*~~
 32 ~~*tion shall prosecute any and all claims to the federal veterans’ adminis-*~~
 33 ~~*tration *department of veterans affairs* that are referred to them or their*~~
 34 ~~*employees by the Kansas veterans’ commission *commission on veterans**~~
 35 ~~*affairs.*~~

36 ~~Sec. 3. 2. K.S.A. 73-1211 and K.S.A. 2007 Supp. 73-1210a are is~~
 37 hereby repealed.

38 ~~Sec. 4. 3.~~ This act shall take effect and be in force from and after its
 39 publication in the statute book.