

Approved: 02/25/08  
Date

MINUTES OF THE HOUSE VETERANS MILITARY AND HOMELAND SECURITY COMMITTEE

The meeting was called to order by Chairman Don Myers at 1:30 P.M. on February 13, 2008 in Room 784 of the Docking Building.

All members were present except:

Representative Bob Bethell- excused  
Representative Marti Crow- excused

Committee staff present:

Scott Wells, Revisor of Statutes Office  
Athena Andaya, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Jill Shelley, Kansas Legislative Research Department  
Barbara Lewerenz, Committee Assistant

Conferees appearing before the committee: None

Others attending:

See attached list.

Moved by Representative Kelsey, seconded by Representative Ruff for approval of the Minutes of the House Committee on Veterans, Military and Homeland Security held February 4, 2008. Motion Carried.

Chairman Myers announced that February 13 is the last day for bill introductions by members. The last day for nonexempt committee bill introductions is February 15. There were none.

Hearings will be held the week of February 25 on **HB 2852 - Placing a security freeze on consumer reports for veterans and active duty service personnel**. The hearing date and date the hearing will be worked will be announced in the Agenda for the week of February 25 through February 29.

The Chairman recognized Rep. Ruff, who gave an overview of an amendment to **HB 2663 - Relating to veterans**. The amendment clarifies that no veterans' service representative of the Kansas Commission on Veterans' Affairs shall take a power of attorney in the name of the Kansas Commission on Veterans Affairs. Nothing in this act shall be construed to prohibit any such veterans' service representative from assisting any veteran with any claim in which a power of attorney is not required.

Rep. Ruff explained that veterans' service organizations are able to serve as power of attorney for veterans in claims situations. However, since the KCVA represents the state of Kansas, the state could be sued if the KCVA was acting as power of attorney and this amendment would limit the liability of the state.

Moved by Representative Ruff, seconded by Representative Goico to amend **HB 2663** per balloon by modifying page 1, line 9 by striking "K.S.A.73-1211" and line 10 of page 1 by striking "sections" and inserting "section "; striking lines 35 through 39 on page 2; and striking lines 15 through 29, modifying line 30 on page 3 by striking "K.S.A. 73-1211" and striking "are" and inserting "is"and by renumbering the remaining sections accordingly. Motion Carried  
(Attachment 1)

Discussion followed: Rep. Ruff explained that out of 30,000 claims filed for veterans only four or five have been represented by the KCVA with power of attorney in the name of the state of Kansas. Rep. Goico clarified that the federal government had suggested that states should not be acting as power of attorney.

CONTINUATION SHEET

MINUTES OF THE House Veterans Military and Homeland Security Committee at 1:30 P.M. on February 13, 2008 in Room 784 of the Docking Building.

Moved by Representative Ruff, seconded by Rep. Lukert to pass **HB 2663** favorably as amended and move it to the floor. Motion Carried.

Chairman Myers appointed Rep. Ruff to carry the bill on the House Floor.

Chairmen Myers thanked the subcommittee members for their willingness to serve.

Meeting adjourned at 2:15 p.m.



Session of 2005

**HOUSE BILL No. 2663**

By Committee on Veterans, Military and Homeland Security

1-23

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

section

11  
 12 *Be it enacted by the Legislature of the State of Kansas:*

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

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

House Committee on Veterans  
 Military and Homeland Security  
 2/13/08  
 Attachment # 1

1 ing of that decision.

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

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

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

32 (f) Any veterans service representative appointed by the executive  
33 director of the Kansas commission on veterans affairs shall be an hon-  
34 orably discharged veteran or retired from the United States armed forces.  
35 ~~Employees of the Kansas commission on veterans affairs shall act as an~~  
36 ~~agent with power of attorney for any claimant only if the power of attor-~~  
37 ~~ney is taken in the name of a veterans service organization chartered by~~  
38 ~~congress and recognized by the federal department on veterans affairs for~~  
39 ~~claim representation.~~

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

No veterans service representative of the Kansas commission on veterans affairs shall take a power of attorney in the name of the Kansas commission on veterans affairs. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.

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

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

6 (2) Providing information and assistance to veterans and dependents  
7 in obtaining special services and benefits based on knowledge of federal  
8 and state laws, policies and regulations pertaining to veterans benefits  
9 and services.

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

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

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

30 Sec. 3. ~~K.S.A. 73-1211 and K.S.A. 2007 Supp. 73-1210a are hereby~~  
31 ~~repealed.~~

32 Sec. 4. This act shall take effect and be in force from and after its  
33 publication in the statute book.

and by renumbering the remaining sections accordingly

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