

CHAPTER 62
HOUSE BILL No. 2171

AN ACT concerning the Kansas commission on veterans affairs; relating to the membership thereof; relating to the veterans claims assistance program and the veterans claims assistance advisory board; creating the Vietnam war era medallion program; amending K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 and repealing the existing sections.

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

Section 1. There is hereby created within the Kansas commission on veterans affairs, the Vietnam war era medallion program. Every veteran who honorably served on active duty in the United States military service at any time beginning February 28, 1961, and ending May 7, 1975, shall be entitled to receive a Vietnam war era medallion, medal and a certificate of appreciation, provided that:

(1) Such veteran is a legal resident of this state or was a legal resident of this state at the time the veteran entered or was discharged from military service or at the time of the veteran's death; and (2) such veteran was honorably separated or discharged from military service or is still in active service in an honorable status, or was in active service in an honorable status at the time of the veteran's death.

Sec. 2. The Vietnam war era medallion, medal and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under eighteen years of age at the time of enlistment. For purposes of this bill, "veteran" means any person defined as a veteran by the United States department of veterans' affairs or its successor agency. The Kansas commission on veterans affairs shall administer the program and shall adopt all rules and regulations necessary to administer the program. The agency shall determine as expeditiously as possible the persons who are entitled to a Vietnam war era medallion, medal and a certificate and distribute the medallions, medals and the certificates. Applications for the Vietnam war era medallion, medal and the certificate shall be filed with the Kansas commission on veterans affairs at any time after January 1, 2010, on forms prescribed and furnished by the Kansas commission on veterans affairs. The director of veteran services shall approve all applications that are in order, and shall cause a Vietnam war era medallion, medal and a certificate to be prepared for each approved veteran in the form approved by the Kansas commission on veterans affairs. The director of veteran services shall review applications for the Vietnam war era medallion, medal and a certificate to ensure recipients are enrolled for eligible federal benefits.

Sec. 3. The following persons may apply for a Vietnam war era medallion, medal and a certificate:

(1) Any veteran who is entitled to a Vietnam war era medallion, medal and a certificate; and (2) any spouse or eldest living survivor of a deceased veteran who would be entitled to a Vietnam war era medallion, medal and a certificate but who died prior to having made application for such medallion, medal and certificate.

Sec. 4. If any spouse or eldest living survivor applies for the Vietnam war era medallion, medal and certificate or if any veteran dies after applying for a Vietnam war era medallion, medal and a certificate and such veteran would have been entitled to the Vietnam war era medallion, medal and the certificate, the Kansas commission on veterans affairs shall give the Vietnam war era medallion, medal and the certificate to the spouse or eldest living survivor of the deceased veteran.

Sec. 5. If the director of veteran services disallows any veteran's claim to a Vietnam war era medallion, medal and a certificate, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address. The Kansas commission on veterans affairs shall approve the form of the Vietnam war era medallion, medal and the certificate. It is the intent of the legislature to create statewide involvement in the design of these symbols in recognition of this historic endeavor. The veterans' commission may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations or any other

interested party, and may select the best design from among such solicited designs or may select another design.

Sec. 6. The "Vietnam war era veterans' recognition award fund" is hereby created in the state treasury, and shall consist of all gifts, donations and bequests to the fund. Moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Vietnam war era veterans' recognition award fund. The fund shall be administered by the Kansas commission on veterans affairs. Moneys in the Vietnam war era veterans' recognition award fund shall not be transferred to the credit of the state general fund. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Vietnam war era veterans' recognition award fund interest earnings based on:

- (1) The average daily balance of moneys in the Vietnam war era veterans' recognition award fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of and aid in the distribution of the medallion, medal and the certificate.

Sec. 7. K.S.A. 73-1208a is hereby amended to read as follows: 73-1208a. (a) There is hereby created the Kansas commission on veterans affairs, which shall consist of five members appointed by the governor. The members of the commission shall be persons who have served in the armed forces of the United States *and have received an honorable discharge, as evidenced by their military discharge papers (DD Form 214)*. The governor shall designate the chairperson of the commission. Members of the commission serving on the effective date of this act shall continue to serve for the term for which appointed. ~~On July 1, 1986, the governor shall appoint one member for a term expiring on June 30, 1987, and one member for a term expiring on June 30, 1988.~~

(b) Subject to the provisions of K.S.A. ~~1992 Supp.~~ 75-4315c, *and amendments thereto*, the governor shall appoint one member from each congressional district and the remainder from the state at large. Not more than three members shall be members of the same political party; and not more than two members shall represent the same veterans' organization.

(c) Persons appointed as successors to all members of the commission shall be appointed for terms of four years. The governor may remove a member of the commission for good cause. Any vacancy occurring in the membership of the commission for any cause shall be filled by appointment for the unexpired term in the same manner ~~that original appointments are made~~ *as provided in subsection (a)*. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 8. K.S.A. 2008 Supp. 73-1234 is hereby amended to read as follows: 73-1234. (a) The Kansas commission on veterans affairs shall establish and administer a veterans claims assistance program in accordance with this section to improve the coordination of veterans benefits counseling in Kansas to maximize the effective and efficient use of taxpayer dollars and to ensure that every veteran is served and receives claims counseling and assistance. The Kansas commission on veterans affairs shall establish and commence operations under the veterans claims assistance program in accordance with this section on or before August 1, 2006. The Kansas commission on veterans affairs shall appoint the director of the veterans claims assistance program, who shall be in the classified service under the Kansas civil service act. No employee of the Kansas commission on veterans affairs shall act as an agent with power of attorney for any claimant.

(b) The veterans claims assistance program shall ~~be implemented~~ *implement* and ~~administered through~~ *administer* annual service grants to eligible veterans service organizations pursuant to grant agreements entered into with the Kansas commission on veterans affairs in accordance with this section. All service grants and grant agreements shall be subject to the provisions of appropriation acts.

(c) The Kansas commission on veterans affairs shall adopt rules and

regulations to implement and administer the veterans claims assistance program and the service grant program. The rules and regulations shall include: (1) The detailed requirements of the veterans claims assistance program and grant agreements; (2) the responsibilities of all parties to the grant agreements; (3) the duration of the grants; (4) any insurance or bonding requirements; (5) the format and frequency of progress and final reports; (6) the initial and continuing training requirements for veterans claims assistance representatives; (7) the provisions of a quality assurance program for the veterans claims assistance program and the services performed by veterans service organizations receiving grants under this section; and (8) any other information or requirements deemed necessary or appropriate by the commission.

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

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

(f) To receive a service grant under this section to perform services under the veterans claims assistance program, a veterans service organization shall satisfy the following eligibility requirements: (1) The veterans service organization shall be congressionally chartered by the United States Congress; (2) the veterans service organization shall agree to cross-accredit the officers and employees of the Kansas commission on veterans affairs ~~and who are veterans and who work in the veteran services program, as well as~~ veterans claims assistance representatives of other veterans service organizations who are performing services under the veterans claims assistance program, subject to the following: (A) The person to be cross-accredited shall provide proof to the ~~veterans service organization~~ *director* that the person has successfully completed the national association of county veterans service officers training *or equivalent, as determined by the director* and that such person shall *participate in a minimum of one annual training session as approved by the director as well as* maintain the continuing education requirements of the cross-accrediting veterans service organization; and (B) the cross-accrediting veterans service organization ~~is~~ *has* reserved the right to terminate the ~~cross-accrediting accreditation~~ if the person fails to meet the continuing education requirement of the veterans service organization *or participate in a minimum of one annual training session as approved by the director*; (3) agree to participate in one-stop veterans service centers at *the federal veterans administration regional office and* each federal veterans administration medical center in Kansas; (4) demonstrate the receipt of monetary or service support from its own organization for the veterans claims assistance program; (5) demonstrate the ability to comply with the requirements prescribed by this section or adopted by the Kansas commission on veterans affairs under this statute for accounting, service work activity and other satisfactory performance requirements and measures; (6) have established state headquarters in Kansas; (7) have staff present in ~~the three federal veterans administration regional office and the~~ United States department of veterans affairs medical centers located in Topeka; ~~and Leavenworth and Wichita~~; (8) have membership residency in at least 50% of the Kansas counties; (9) have had an established office presence in the United States department of veterans affairs regional office in Kansas for at least the three most recent state fiscal years; (10) have assisted in filing a minimum of 300 claims for veterans for which the veterans service organization has power of attorney in the past 12-month period; (11) agree to make no reference to membership eligibility on claims documentation and not solicit membership due to information received on claim forms; (12) agree to cross-accredit service officers participating in the service grant program to include service officers of partnered veterans service organizations and Kansas commission on veterans affairs staff located in *the federal veterans administration regional office and the* United States department of veterans affairs medical centers in Leavenworth; ~~and Topeka and Wichita~~; (13) agree that grant funding will not replace the monetary support currently provided by the veterans service organization to offices in *the federal veterans administration regional office and*

the United States department of veterans affairs medical centers in Leavenworth; ~~and Topeka and Wichita~~ for veterans claims assistance but will supplement the veterans service organization's monetary support currently in place; and (14) agree that the veterans service organization's monetary support currently provided for veterans claims assistance in the *federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth; and Topeka and Wichita* will be equal to or greater than the monetary support that the veterans service organization provided in the previous year. *For the purposes of this subsection, "director" means the veterans claims assistance program director.*

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

(h) The Kansas commission on veterans affairs shall develop and maintain a central database registry regarding claims outcome data received from veterans claims assistance representatives under the veterans claims assistance program.

Sec. 9. K.S.A. 2008 Supp. 73-1235 is hereby amended to read as follows: 73-1235. (a) There is hereby established with the Kansas commission on veterans affairs an advisory board which shall be known as the veterans claims assistance advisory board. The advisory board shall advise the Kansas commission on veterans affairs in the implementation and administration of the veterans claims assistance program.

(b) The advisory board shall consist of ~~six members as follows~~ *the following members:*

(1) The director of the veterans claims assistance program, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(2) ~~Three members of the advisory board shall be veterans representing veterans service organizations~~ *Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran.* The director shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant. Each such veterans service organization submitting such confirmation *that also meets the eligibility requirements in K.S.A. 73-1234, and amendments thereto*, shall prepare and submit a list of three nominations of veterans from such veterans service organization. The governor shall appoint one veteran as a member of the advisory board from each list.

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

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

(d) Each member of the advisory board, other than the director of

the veterans claims assistance program, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

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

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

Sec. 10. K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 7, 2009.
