

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2214**, As Amended by House Committee, on page 1, in line 6, by striking all after Section 1; by striking all in lines 7 through 35;

By striking all on page 2;

On page 3, by striking all in lines 1 through 15 and inserting "(a) As used in this act:

(1) "Veterans benefits matter" means the preparation, presentation or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function or status to which entitlement is determined under the laws and regulations administered by the United States department of veterans affairs, the United States department of defense or the Kansas office of veterans services pertaining to veterans, their dependents or survivors or any other individual eligible for such benefit, program, service, commodity, function or status.

(b) Except as permitted under federal law, no person shall receive compensation for preparing, presenting, prosecuting, advising, consulting or assisting any individual with regard to any veterans benefits matter before the United States department of veterans affairs, the United States department of defense or the Kansas office of veterans services.

(c) No person shall receive compensation for referring any individual to another person to prepare, present, prosecute, advise, consult or assist regarding any veterans benefits matter before the United States department of veterans affairs, the United States department of defense or the Kansas office of veterans services.

(d) Nothing in this section shall be construed to prohibit a division of fees between

attorneys that is otherwise proper under Kansas law and the Kansas rules of professional conduct.

(e) A violation of this section shall be a violation of the Kansas consumer protection act pursuant to K.S.A. 50-623 et seq., and amendments thereto.

(f) Any person who received compensation for preparing, presenting, prosecuting, advising, consulting or assisting an individual with regard to any veterans benefits matter before the United States department of veterans affairs, the United States department of defense or the Kansas office of veterans services shall be held to the same ethical standards as an attorney under the Kansas rules of professional conduct in the following practices:

- (1) Advertising;
- (2) solicitation of new clients;
- (3) confidentiality;
- (4) duty of care;
- (5) duty of honesty; and
- (6) duty to zealously pursue what is in the best interest of the client.

(g) If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.";

On page 1, in the title, by striking all in line 2; in line 3, by striking all before the period and inserting "prohibiting certain conduct and improper collection of veterans benefit fees; providing for penalties upon violation of such act"