

HOUSE BILL No. 2601

By Committee on Veterans, Military and Homeland Security

2-10

1 AN ACT concerning veterans; relating to the Kansas commission on
2 veterans affairs; authorizing the executive director to oversee the
3 Kansas soldiers' home and Kansas veterans' home; amending K.S.A.
4 76-1904, 76-1927, 76-1928, 76-1929, 76-1951 and 76-1955 and K.S.A.
5 2013 Supp. 73-1209 and 73-1210a and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2013 Supp. 73-1209 is hereby amended to read as
9 follows: 73-1209. The executive director of the Kansas ~~veterans'~~
10 ~~commission~~ *commission on veterans affairs*, in accordance with general
11 policies established by the commission, shall:

12 ~~(1)~~(a) Collect data and information as to the facilities, benefits and
13 services now or hereafter available to veterans and their relatives and
14 dependents, and furnish such information to veterans and their relatives
15 and dependents and local service officers of veterans' organizations.

16 ~~(2)~~(b) Prepare plans for a comprehensive statewide veterans' service
17 program.

18 ~~(3)~~(c) Coordinate the program of state agencies which may properly
19 be utilized in the administration of various aspects of the problems of
20 veterans, and relatives and dependents of veterans, such as the ~~department~~
21 ~~of social and rehabilitation services~~ *Kansas department for children and*
22 *families*, the department of labor, the state board of education, the board of
23 regents and any other state office, department, board or commission
24 furnishing service to veterans or their relatives or dependents.

25 ~~(4)~~(d) Provide a central contact between federal and state agencies
26 dealing with the problems of veterans and their relatives and dependents.

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

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

35 ~~(7)~~(g) Provide a central agency to which veterans and their relatives
36 and dependents may turn for information and assistance.

1 (8)(h) Provide and maintain such field services as shall be necessary
2 to properly care for the needs of veterans and their relatives and
3 dependents which shall not be operated in connection with the ~~social and~~
4 ~~rehabilitation services~~ *Kansas department for children and families.*

5 (i) *Assist with the implementation, adoption and enforcement of rules*
6 *and regulations by the commission.*

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

9 Sec. 2. K.S.A. 2013 Supp. 73-1210a is hereby amended to read as
10 follows: 73-1210a. (a) Except as otherwise provided by law, and subject to
11 the Kansas civil service act, the executive director of the Kansas
12 commission on veterans affairs shall appoint:

13 (1) ~~Such~~ Subordinate officers and employees, subject to the approval
14 of the commission, as are necessary to enable the commission to exercise
15 or perform its functions, powers and duties pursuant to the provisions of
16 article 12 of chapter 73 of Kansas Statutes Annotated, and amendments
17 thereto-;

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

19 (3) *the superintendent of the Kansas veterans' home.*

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

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

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

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

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

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

41 (C) *The superintendent of the Kansas veterans' home shall be in the*
42 *unclassified service under the Kansas civil service act and shall receive an*
43 *annual salary fixed by the executive director of the Kansas commission on*

1 *veterans affairs, with the approval of the commission and the governor.*
2 *The superintendent of the Kansas veterans' home shall perform such*
3 *duties and exercise such powers as the executive director and the*
4 *commission may prescribe, and such duties and powers as are prescribed*
5 *by law.*

6 ~~(f)~~(e) (1) Any veterans service representative appointed by the
7 executive director of the Kansas commission on veterans affairs shall be
8 an honorably discharged veteran or retired from the United States armed
9 forces. No veterans service representative of the Kansas commission on
10 veterans affairs shall take a power of attorney in the name of the Kansas
11 commission on veterans affairs. Nothing in this act shall be construed to
12 prohibit any such veterans service representative from assisting any
13 veteran with any claim in which a power of attorney is not required.

14 (2) Nothing in this subsection shall be construed to affect the status,
15 rights or benefits of any officer or employee of the Kansas commission on
16 veterans affairs employed by such commission on the effective date of this
17 act.

18 (3) For the purpose of this subsection, "veterans service
19 representative" means any officer or employee appointed pursuant to this
20 section whose primary duties include:

21 ~~(1)~~(A) Assisting veterans and their dependents in securing benefits
22 from the federal government and the state of Kansas.

23 ~~(2)~~(B) Providing information and assistance to veterans and
24 dependents in obtaining special services and benefits based on knowledge
25 of federal and state laws, policies and regulations pertaining to veterans
26 benefits and services.

27 ~~(3)~~(C) Providing assistance to veterans service organizations
28 participating in the veterans claims assistance program.

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

32 Sec. 3. K.S.A. 76-1904 is hereby amended to read as follows: 76-
33 1904. ~~(a)~~—The Kansas commission on veterans affairs shall have full
34 control of the Kansas soldiers' home, the property, effects, supervision and
35 management thereof.

36 ~~(b)~~—A superintendent of the Kansas soldiers' home shall be appointed
37 by the Kansas commission on veterans affairs, and shall serve at the
38 pleasure of the commission. The superintendent shall be in the unclassified
39 service under the Kansas civil service act and shall receive an annual
40 salary fixed by the Kansas commission on veterans affairs, with the
41 approval of the governor. The superintendent of the Kansas soldiers' home
42 shall perform such duties and exercise such powers as the commission
43 may prescribe, and such duties and powers as are prescribed by law.

1 Sec. 4. K.S.A. 76-1927 is hereby amended to read as follows: 76-
2 1927. The Kansas ~~veterans'~~ commission *on veterans affairs, with*
3 *assistance from its executive director*, shall have the authority to establish
4 rules and regulations for the management and operation of the Kansas
5 soldiers' home and governing conduct and discipline of the members of
6 and other persons in the Kansas soldiers' home. Such rules and regulations
7 shall be filed with the secretary of state as provided by law.

8 Sec. 5. K.S.A. 76-1928 is hereby amended to read as follows: 76-
9 1928. The *executive director of the Kansas commission on veterans*
10 *affairs, with assistance from the* superintendent of the Kansas soldiers'
11 home, shall enforce such rules and regulations and ~~he or she~~ may furlough
12 any member for violation of such rules.

13 Sec. 6. K.S.A. 76-1929 is hereby amended to read as follows: 76-
14 1929. The Kansas ~~veterans'~~ commission *on veterans affairs or its*
15 *executive director* may discharge any member who violates such rules and
16 regulations, except that no member shall be discharged without notice to
17 such member and a right to be heard concerning such charges in
18 accordance with the provisions of the Kansas administrative procedure act.

19 Sec. 7. K.S.A. 76-1951 is hereby amended to read as follows: 76-
20 1951. (a) On and after January 1, 1998, the Kansas commission on
21 veterans affairs shall operate a Kansas veterans' home to be located on the
22 grounds of Winfield state hospital and training center. The commission on
23 veterans affairs and the secretary ~~of social and rehabilitation~~ *for aging and*
24 *disability* services shall enter into an agreement concerning property,
25 premises, facilities, installations, equipment and records of Winfield state
26 hospital and training center which will be transferred to the Kansas
27 commission on veterans affairs for the purpose of establishing and
28 operating the Kansas veterans' home. The agreement shall establish the
29 timing of any such transfers. Any conflict as to the proper disposition of
30 property or records arising under this section shall be determined by the
31 governor, whose decision shall be final.

32 (b) The Kansas commission on veterans affairs shall have full control
33 of the Kansas veterans' home, the property, effects, supervision and
34 management of the home.

35 (c) The Kansas commission on veterans affairs may enter into an
36 agreement with the United States department of veterans affairs for the use
37 and operation of the nursing care unit of the Wichita veterans
38 administration medical center in Wichita, Kansas, as a long-term care unit
39 of the Kansas veterans' home, which shall be known as the Kansas
40 veterans' home long-term care annex. The Kansas veterans' home long-
41 term care annex shall be operated as a part of the Kansas veterans' home
42 and shall be construed to be part of the Kansas veterans' home for all
43 purposes under statutes governing or referring to the Kansas veterans'

1 home.

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

10 Sec. 8. K.S.A. 76-1955 is hereby amended to read as follows: 76-
11 1955. (a) The Kansas commission on veterans affairs, *with assistance from*
12 *its executive director*, shall have the authority to establish rules and
13 regulations for the management and operation of the Kansas veterans'
14 home and governing conduct and discipline of the members of and other
15 persons in the Kansas veterans' home. Such rules and regulations shall be
16 filed with the secretary of state as provided by law.

17 (b) *The executive director of the Kansas commission on veterans*
18 *affairs, with assistance from the* superintendent of the Kansas veterans'
19 home, shall enforce such rules and regulations, and the superintendent may
20 furlough any member for violation of such rules.

21 (c) The Kansas commission on veterans affairs *or its executive*
22 *director* may discharge any member who violates such rules and
23 regulations, except that no member shall be discharged without notice to
24 such member and a right to be heard concerning such charges in
25 accordance with the provisions of the Kansas administrative procedure act.

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

33 (e) If any member of such veterans' home shall refuse to vacate the
34 premises upon receiving a furlough from the officers designated to enforce
35 the rules and regulations, such refusal shall constitute a forfeiture of such
36 member's right to remain in the home and such member shall be forthwith
37 discharged by the Kansas commission on veterans affairs *or its executive*
38 *director*.

39 (f) If any member shall refuse to vacate the premises upon being
40 discharged by the Kansas commission on veterans affairs *or its executive*
41 *director*, such member shall ~~forthwith~~ forfeit the member's right to
42 subsistence and rations for such member and dependents, if any, and the
43 Kansas commission on veterans affairs *or its executive director* shall

1 institute legal proceedings to force such member to vacate the premises.

2 (g) The word "member" as used in this act shall refer to any person
3 legally admitted as a member or any dependent of such member, or any
4 person drawing subsistence or quarters in the Kansas veterans' home for
5 any reason whatsoever, except the employees of such veterans' home. The
6 word "member" shall not include any person transferred to the veterans'
7 home from any state hospital or training school.

8 Sec. 9. K.S.A. 76-1904, 76-1927, 76-1928, 76-1929, 76-1951 and 76-
9 1955 and K.S.A. 2013 Supp. 73-1209 and 73-1210a are hereby repealed.

10 Sec. 10. This act shall take effect and be in force from and after its
11 publication in the statute book.