

Substitute for HOUSE BILL No. 2681

AN ACT concerning veterans; abolishing the Kansas commission on veterans affairs; creating the Kansas commission on veterans affairs office within the executive branch of government; transferring certain powers, duties and functions; providing the VCAP advisory board; amending K.S.A. 73-209, 73-210, 73-1211, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958; K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418, 73-1209, 73-1210a, 73-1217, 73-1218, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k and repealing the existing sections; also repealing K.S.A. 73-1207, 73-1208b, 73-1208c and 73-1220 and K.S.A. 2013 Supp. 73-1208a and 73-1219.

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

New Section 1. (a) On July 1, 2014, the Kansas commission on veterans affairs provided for by K.S.A. 73-1208a, prior to its repeal, shall be and is hereby abolished.

(b) On July 1, 2014, all of the powers, duties and functions of the Kansas commission on veterans affairs are hereby transferred to and conferred and imposed upon the Kansas commission on veterans affairs office.

(c) The Kansas commission on veterans affairs office shall be the successor in every way to the powers, duties and functions of the Kansas commission on veterans affairs in which the same were vested prior to July 1, 2014. Every act performed in the exercise of such powers, duties and functions by or under the authority of the Kansas commission on veterans affairs office shall be deemed to have the same force and effect as if performed by the Kansas commission on veterans affairs in which the authority to perform such act was vested prior to July 1, 2014. The Kansas commission on veterans affairs office shall be a continuation of the Kansas commission on veterans affairs abolished by this section.

(d) All rules and regulations and all orders or directives of the Kansas commission on veterans affairs, or of any persons authorized by the commission to issue orders or directives, in existence on July 1, 2014, shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the Kansas commission on veterans affairs office until revised, amended, revoked or nullified pursuant to law.

(e) On and after July 1, 2014, whenever the Kansas commission on veterans affairs, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to mean and apply to the Kansas commission on veterans affairs office.

New Sec. 2. (a) There is hereby established within the executive branch of government the Kansas commission on veterans affairs office, which shall be administered under the direction and supervision of the director of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office, who shall be a veteran, shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as the director of the Kansas commission on veterans affairs office shall exercise any power, duty or function as director until confirmed by the senate. Except as otherwise provided by this section, the director of the Kansas commission on veterans affairs office shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the governor and shall receive an annual salary fixed by the governor.

(b) All budgeting, purchasing and related management functions of the Kansas veterans affairs office, shall be administered under the direction and supervision of the director of the Kansas commission on veterans affairs office.

(c) All vouchers for expenditures from appropriations to or for the Kansas commission on veterans affairs office shall be approved by the director of the Kansas commission on veterans affairs office or a person or persons designated by the director for such purpose.

(d) The provisions of the Kansas governmental operations accountability law apply to the Kansas commission on veterans affairs office, and the office is subject to audit, review and evaluation under such law.

New Sec. 3. The Kansas commission on veterans affairs office shall be responsible for carrying out the general policies of the governor and

the director of the Kansas commission on veterans affairs office by: (a) Affording and furnishing to veterans, and relatives and dependents of such veterans, information, advice, direction and assistance through the coordination of programs and services in the fields of education, health, vocational guidance and placement, mental care and economic security; and (b) managing, operating and controlling the Kansas soldiers' home and the Kansas veterans' home.

Sec. 4. K.S.A. 2013 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary of aging.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary of the department of social and rehabilitation services, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to res-

idents shall be determined by preparation of the staff and rules and regulations developed by the department on aging. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary of aging.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual who operates an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility and has completed a course approved by the secretary of health and environment on principles of assisted living and has successfully passed an examination approved by the secretary of health and environment on principles of assisted living and such other requirements as may be established by the secretary of health and environment by rules and regulations.

(22) "Activities of daily living" means those personal, functional ac-

tivities required by an individual for continued well-being, including but not limited to eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) “Personal care” means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) “Functional impairment” means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) “Kitchen” means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term “intermediate personal care home” for purposes of those individuals applying for or receiving veterans’ benefits means residential health care facility.

(27) “Paid nutrition assistant” means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and paragraph (h) of 42 C.F.R. § 483.35, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) “Medicaid program” means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(b) The term “adult care home” shall not include institutions operated by federal or state governments, except institutions operated by the *director of the Kansas commission on veterans affairs office*, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 et seq., and amendments thereto, and which provide services only to hospice patients.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 5. K.S.A. 2013 Supp. 65-1732 is hereby amended to read as follows: 65-1732. (a) A funeral establishment, branch establishment or crematory which has possession of the cremated remains of a dead human body may dispose of the cremated remains, if:

(1) Such cremated remains have not been claimed for at least 90 days from the time of cremation;

(2) the funeral establishment, branch establishment or crematory has sent a notice by certified mail, return receipt requested, to the last known address of the authorizing agent as defined under K.S.A. 65-1760, and amendments thereto. Such notice shall state that such remains will be disposed of in accordance with the provisions of this section unless claimed within 30 days of the date such notice is sent; and

(3) the funeral establishment, branch establishment or crematory has

not received any claim on the cremated remains for at least 30 days from the date that such notice was sent.

(b) Such disposal under subsection (a) shall include burial by placing the remains in a church or cemetery plot, scatter garden, pond, or columbarium; relinquishing possession of the cremated remains of veterans to the *director of the Kansas commission of veterans affairs office, or the director's designee*, or a national cemetery in accordance with the provisions of subsection (c); or otherwise disposing of the remains as provided by rule and regulation of the board of mortuary arts. Disposition may include the commingling of the cremated remains with other cremated remains and thus the cremated remains would not be recoverable.

(c) (1) A funeral establishment, branch establishment or crematory which has held in its possession cremated remains for more than 90 days from the date of cremation and has provided notice pursuant to subsection (a) and the cremated remains remain unclaimed may, in accordance with the provisions of this section, determine if such cremated remains are those of a veteran, and if so, may dispose of such remains as provided in this section.

(2) Notwithstanding any law or rules and regulations to the contrary, nothing in this section shall prevent a funeral establishment, branch establishment or crematory from sharing information with the United States department of veterans affairs or the Kansas commission on veterans affairs *office* for the purpose of determining whether the cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator shall be discharged from any legal obligations or liability with regard to the releasing or sharing of information with such entities.

(3) Should a funeral establishment, branch establishment or crematory ascertain the cremated remains in its possession are those of a veteran and they are unclaimed cremated remains to be disposed of pursuant to provisions of subsection (a), the funeral establishment, branch establishment or crematory may relinquish possession of the cremated remains to the *director of the Kansas commission on veterans affairs office, or the director's designee*, or a national cemetery for disposition. Disposition shall be by placement of cremated remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery but shall not include the scattering of cremated remains.

(d) Nothing in this section shall require a funeral establishment, branch establishment or crematory to determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral establishment, branch establishment or crematory was informed by the person in control of the disposition that: (1) Such individual was not a veteran; or (2) such individual did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.

(e) The funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator, upon disposing of cremated remains in accordance with the provisions of this section, shall be held harmless for any costs or damages, except if there is gross negligence or willful misconduct, and shall be discharged from any legal obligation or liability concerning the cremated remains.

Sec. 6. K.S.A. 2013 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, 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 civil registration and health statistics fee fund created by K.S.A. 2013 Supp. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the Kansas

commission on veterans affairs *office* which indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of voting if the applicant lacks the identification required by K.S.A. 25-2908(h), and amendments thereto, or to meet the voter registration requirements of K.S.A. 25-2309, and amendments thereto. For voter registration purposes, an applicant for registration shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

(4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time 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 permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract 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 civil registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time 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 district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract 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 civil registration and health statistics fee fund created by K.S.A. 2013 Supp. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 7. K.S.A. 73-209 is hereby amended to read as follows: 73-209. (a) On submission to the adjutant general of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, or of a copy of such discharge or official record of military service certified to by a city, county or state official as being a true copy of original document, the adjutant general shall place such record on file in the adjutant general's office. If original documents are submitted, the adjutant general shall cause true copies of such original documents to be made and shall file the copies in the adjutant general's office and the originals shall be returned to the person who submitted them.

(b) Upon request of a soldier, sailor or marine whose records of military service have been filed in the adjutant general's office, the adjutant general shall cause to be furnished a certificate of military service in accordance with such records. The adjutant general shall not charge any fee for the certificate if the certificate is requested by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on ~~veterans~~ *veterans affairs office* which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the certificate to obtain such benefits.

(c) The adjutant general shall transfer to the state archives of the Kansas state historical society for permanent retention any records of military service on file in the adjutant general's office, in accordance with the records retention and disposition schedule for such records approved by the state records board.

Sec. 8. K.S.A. 73-210 is hereby amended to read as follows: 73-210. No city, county or state official shall charge a fee for certifying to the correctness of a true copy of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, except that:

(a) The adjutant general may charge a fee unless the copy is requested by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on ~~veterans~~ *veterans affairs office* which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the copy to obtain such benefits; and

(b) a register of deeds of a county may charge a fee for copies in excess of the number provided for by K.S.A. 73-210a, and amendments thereto.

Sec. 9. K.S.A. 2013 Supp. 73-1209 is hereby amended to read as follows: 73-1209. The ~~executive~~ director of the Kansas ~~veterans~~ *commission on veterans affairs office*, in accordance with general policies ~~established by the commission directed by the governor~~, shall:

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

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

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

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

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

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

~~(7)~~(g) Provide a central agency to which veterans, and ~~their~~ relatives and dependents *of such veterans*, may turn for information and assistance.

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

(i) *Adopt, amend or revoke any rules and regulations necessary to carry out the provisions of article 12 of chapter 73 and article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto.*

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

(k) *Designate persons who shall be in charge of the member funds at the Kansas soldiers' home under K.S.A. 76-1935, and amendments thereto, and the Kansas veterans' home under K.S.A. 76-1956, and amendments thereto.*

(l) *Appoint and oversee the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.*

(m) (1) *Annually prepare and submit a written report to the house committee on veterans, military and homeland security and to the governor, providing the following:*

(A) *Any progress made by the Kansas commission on veterans affairs office and its director in response to any recommendations provided to such office in the preceding fiscal year by the legislative division of post audit;*

(B) *information on the current financial control practices implemented by the Kansas commission on veterans affairs office for the Kansas soldiers' home and the Kansas veterans' home, including, but not limited to, the current policies and procedures at both facilities;*

(C) *information on the current residential care services provided for veterans in the Kansas soldiers' home and the Kansas veterans' home;*

(D) *recommendations for legislation necessary to ensure that the needs of the veterans in Kansas are met; and*

(E) *any other information deemed necessary.*

(2) *The director of the Kansas commission on veterans affairs office shall submit the report on or before the first day of the legislative session in 2015, and each year thereafter.*

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

(1) ~~such~~ Subordinate officers and employees, subject to the approval of the ~~commission~~ governor, as are necessary to enable the ~~commission~~ director to exercise or perform ~~its~~ the functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of the Kansas Statutes Annotated, and amendments thereto;

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

(3) *the superintendent of the Kansas veterans' home; and*

(4) *the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.*

(b) Upon the commencement of the interview process, every candidate for a position in ~~a~~ the Kansas commission on veterans affairs office that interviews claimants and provides information advice and counseling to veterans, surviving spouses, their dependents concerning compensation, pension, education, vocational rehabilitation, insurance, hospitalization, outpatient care, home loans, housing, tax exemptions, burial benefits and other benefits to which they may be entitled, or any other sensitive position, as determined by the ~~executive~~ director shall be given a written notice that a criminal history records check is required. The *director of the* Kansas commission on veterans affairs office shall require such candidates to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the candidate and to determine whether the candidate has a record of criminal history in this state or another jurisdiction. The *director of the* Kansas commission on veterans affairs office shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the *director of the* Kansas commission on veterans affairs office in taking and processing of fingerprints of candidates. If the criminal history record information reveals any conviction of crimes of dishonesty or violence, such conviction may be used to disqualify a candidate for any position within the *director of the* Kansas commission on veterans affairs office. If the criminal history

record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision.

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

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

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

~~(2) (A) All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the commission, the executive director of the Kansas commission on veterans affairs office, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission, the executive director of the Kansas commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home to the extent authority to do so is delegated by such commission, executive director or superintendent on veterans affairs office.~~

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

~~(C) The superintendent of the Kansas veterans' home shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the director of the Kansas commission on veterans affairs office, with the approval of the governor. The superintendent of the Kansas veterans' home shall perform such duties and exercise such powers as the director may prescribe, and such duties and powers as are prescribed by law.~~

~~(f)(e) Any veterans service representative appointed by the executive director of the Kansas commission on veterans affairs office shall be an honorably discharged veteran or retired from the United States armed forces. No veterans service representative of the Kansas commission on veterans affairs office shall take a power of attorney in the name of the director of the Kansas commission on veterans affairs office. 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.~~

~~Nothing in this subsection shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas commission on veterans affairs employed by such commission on the effective date of this act.~~

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

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

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

(3) Providing assistance to veterans service organizations participating in the veterans claims assistance program.

~~(g)~~(f) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas ~~veterans'~~ commission on veterans affairs under K.S.A. 73-1208a, prior to its repeal, employed by such commission on ~~the effective date of this act~~ July 1, 2014.

Sec. 11. K.S.A. 73-1211 is hereby amended to read as follows: 73-1211. All claims filed with the federal veterans' administration by the *director of the Kansas ~~veterans'~~ commission on veterans affairs office* shall be prosecuted by an accredited representative of one of the participating veterans' organizations. No employee of any veterans' organization shall participate in or receive any funds hereinafter appropriated or made available to the *director of the Kansas ~~veterans'~~ commission on veterans affairs office* unless such employing veterans' organization shall prosecute any and all claims to the federal veterans' administration that are referred to them or their employees by the *director of the Kansas ~~veterans'~~ commission on veterans affairs office*.

Sec. 12. K.S.A. 2013 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's parent or such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the *director of the Kansas commission on veterans affairs office* for reimbursement of the amount of such tuition or fees. The *director of the Kansas commission on veterans affairs office* shall administer this act and qualifications of persons as dependents shall be determined by such ~~commission~~ *director*. Such ~~commission~~ *director* may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 13. K.S.A. 2013 Supp. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community college, the board of regents of Washburn university of Topeka, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the *director of the Kansas commission on veterans affairs office* for reimbursement of the amount of such tuition or fees. The *director of the Kansas commission on veterans affairs office* shall administer this act and the qualification of persons as dependents

shall be determined by such ~~commission~~ director. Such ~~commission~~ director may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

“Dependent” as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in ~~said~~ the U.S. armed forces in the geographical area of the Vietnam conflict, has been declared to be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

Sec. 14. K.S.A. 73-1222 is hereby amended to read as follows: 73-1222. As used in K.S.A. 73-1221 through 73-1231, and amendments thereto, unless the context clearly indicates otherwise:

(a) “Birth defect” means any physical or mental abnormality or condition, including any susceptibility to any illness or condition other than normal childhood illnesses or conditions.

(b) “Board” means the Persian Gulf War veterans health initiative board established by K.S.A. 73-1223, and amendments thereto.

~~(c) “Commission” means the Kansas commission on veterans affairs.~~

~~(d)~~(c) “Director” means the ~~executive~~ director of the Kansas commission on veterans affairs office.

~~(e)~~(d) “Gulf War syndrome” means the wide range of physical and mental conditions, problems and illnesses that are connected with service in the armed forces of the United States during and in the area of operations of the Persian Gulf War.

~~(f)~~(e) “Veteran” means a person who is a resident of Kansas who was a member of the armed forces of the United States of America and who served in such armed forces in the area of operations of the Persian Gulf War during the Persian Gulf War or thereafter regardless of whether such person is still actively serving in the armed forces or reserve.

Sec. 15. K.S.A. 73-1223 is hereby amended to read as follows: 73-1223. (a) There is hereby established with the ~~commission~~ *Kansas commission on veterans affairs office* an advisory board known to be the Persian Gulf War veterans health initiative board. The board shall be advisory to the ~~commission~~ director in the implementation and administration of this act.

(b) The board shall consist of nine members appointed as follows:

(1) At least three members shall be veterans. The director shall notify the state level unit of the disabled American veterans, the veterans of foreign wars of the United States and the American legion and request a list of three nominations of veterans from each such veterans’ organization. The governor shall appoint one veteran as a member from each list.

(2) One member shall be qualified from each of the medical specializations of epidemiology, toxicology and genetics. One member shall be qualified in one of the behavioral sciences in the ~~speciality~~ *specialty* area of family dynamics. The director shall notify one or more professional societies or associations which represent the medical or behavioral science specialty area required and request a list of three nominations from that specialty area. ~~The commission, of which the director shall appoint one member of the board from each list.~~

(3) Two legislators, one from each house, shall be appointed to the 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 ~~commission~~ director, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the board. Of the initial appointments to the 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. Of the initial appointments to the board by the ~~commission~~ director, two 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 or the ~~commission~~ director shall be for three years, but no person shall be appointed for more than two successive

three-year terms. 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 board shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board for any reason other than the expiration of a member's term of office, the governor, the ~~commission~~ director, 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 a board member who was appointed from a list of nominations submitted by a veterans' organization, the governor shall notify that veterans' organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the board. In the case of any vacancy occurring in the position of a board member who is qualified in one of the ~~specialty~~ *specialty* areas listed in subsection (b)(3) after the initial appointments, the director shall notify one or more professional societies or associations which represent the medical or behavioral science ~~specialty~~ *specialty* required for the vacant position and request a list of three nominations from that ~~specialty~~ *specialty* area from which the ~~commission~~ director shall appoint a successor to the board.

(e) Annually, the board shall elect a chairperson, 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 board attending meetings of the board or attending a subcommittee meeting thereof authorized by the 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. 16. K.S.A. 73-1224 is hereby amended to read as follows: 73-1224. (a) The ~~commission~~ director shall develop comprehensive surveys, or adopt one or more existing surveys, to be conducted to determine and study the physical and mental conditions, problems and illnesses, including birth defects, as well as the employment, social, emotional and family problems experienced by veterans, their spouses and family members since the veteran's return to Kansas and by any other persons residing in Kansas who are suffering from Gulf War syndrome.

(b) The ~~commission~~ director shall develop or adopt the surveys within the first four months after the effective date of this act. The ~~commission~~ director shall administer the surveys and review the completed surveys with the board. The ~~commission~~ director shall compile the results of the surveys and develop recommendations for the legislature based thereon. The director shall report the results to appropriate federal agencies and shall request additional assistance for veterans commensurate with the director's duties under K.S.A. 73-1209, and amendments thereto.

(c) The aggregate amount expended for the development and administration of surveys and studies set out under this section and for board expenses, including the position established by K.S.A. 73-1225, and amendments thereto, shall not exceed \$100,000 per fiscal year.

(d) The ~~commission~~ director shall request the different media, including radio, television and newspaper, to make public service announcements publicizing information on the Persian Gulf War surveys and inform Kansans of the health problems identified and where help is available. The public service announcements should be published no less than four times a year.

Sec. 17. K.S.A. 73-1225 is hereby amended to read as follows: 73-1225. There is hereby established with the *Kansas commission on veterans affairs office* a full-time position dedicated to seeking and applying for grants and other moneys to fund activities under this act, to assist in the preparation and administration of surveys under this act, to promote programs and activities designed to assist persons affected by Gulf War syndrome to receive the help they need and to perform such other duties as the ~~chairperson of the commission~~ director may prescribe. Within 90 days of the effective date of this act, the ~~commission~~ director shall appoint a qualified individual to this position.

Sec. 18. K.S.A. 73-1226 is hereby amended to read as follows: 73-1226. (a) ~~The commission~~ *director* shall request that the department of health and environment contact families of any children born after August 1, 1991, who are on any state birth defect list maintained by the department, to inform the families of the availability of the survey and the registry if either parent served in the Persian Gulf War. If the family voluntarily participates in the survey, the veteran's child's name shall be listed in the state Persian Gulf War registry.

(b) ~~The commission~~ *director* shall determine the appropriate health programs and the confidential mechanisms that shall be utilized to ask participants in such programs whether they are Persian Gulf War veterans, and if so, offer the veterans voluntary participation in the survey under K.S.A. 73-1224, and amendments thereto.

(c) ~~The commission~~ *director* shall establish and maintain a state Persian Gulf War registry containing the names of veterans, their spouses, family members and other persons in Kansas who have been affected by Gulf War syndrome.

(d) ~~The commission~~ *director* shall inform veterans of any state and federal programs available to meet the veterans' needs.

(e) Any person who in good faith provides information to the ~~commission~~ *director* under the provisions of this section shall be immune from civil or criminal liability therefor.

Sec. 19. K.S.A. 73-1227 is hereby amended to read as follows: 73-1227. Subject to funds available, the ~~commission~~ *director* shall conduct a fiscal impact study, aimed at identifying the annual budgetary impact of Gulf War syndrome on Kansas in terms of increased costs of education, medical coverage, correction of birth defects and other expenses identified through the results of the surveys conducted under K.S.A. 73-1224, and amendments thereto.

Sec. 20. K.S.A. 73-1229 is hereby amended to read as follows: 73-1229. ~~The commission~~ *director* shall adopt rules and regulations to implement and administer the provisions of K.S.A. 73-1221 through 73-1231, and amendments thereto.

Sec. 21. K.S.A. 73-1230 is hereby amended to read as follows: 73-1230. ~~The Kansas commission on veterans affairs~~ *director* shall cooperate and share information with appropriate state and federal agencies as necessary for the purposes of this act to aid veterans and other persons in obtaining aid and relief from the effects of Gulf War syndrome. Such cooperation shall include reporting the survey statistics to appropriate federal agencies to bring issues to the notice of appropriate agencies.

Sec. 22. K.S.A. 73-1231 is hereby amended to read as follows: 73-1231. There is hereby established in the state treasury the Persian Gulf War veterans health initiative fund which shall be administered by the ~~Kansas commission on veterans affairs~~ *director*. All moneys received from any grants from federal or other nonstate sources, from contributions or from any other source for the purpose of financing the activities of the board or the development or administration of the surveys developed by the board under this act, 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 Persian Gulf War veterans health initiative fund. All expenditures from the Persian Gulf War veterans health initiative fund shall be for the purposes of financing the activities of the ~~commission~~ *director* for the implementation and administration, including the activities of the board and the development and administration of the surveys under this act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the *director of the Kansas commission on veterans affairs office* or the ~~commission's~~ *director's* designee.

Sec. 23. K.S.A. 73-1232 is hereby amended to read as follows: 73-1232. (a) The *director of the Kansas commission* ~~of~~ *on veterans affairs office* is hereby authorized to establish and maintain a state system of veterans cemeteries. For the purposes of such system, the ~~commission~~ *director* may request, accept and take title to any grants or bequests or other donations of moneys, other personal property, real property or other assistance from any person, firm, association or corporation or from

any federal, state or local governmental agency or other governmental entity. The ~~commission~~ *director* may lease, purchase or otherwise acquire title to real property for the state system of veterans cemeteries. Subject to the provisions of subsection (b), the ~~commission~~ *director* may enter into contracts for the purpose of establishing and maintaining the system of veterans cemeteries.

(b) The ~~commission~~ *director* shall not enter into any contracts pursuant to subsection (a) after the effective date of this act for the purpose of establishing and maintaining the system of veterans cemeteries unless funds in an amount equal to 100% of the costs of constructing the cemeteries in such system is provided by the federal government.

(c) No more than three applications shall be submitted to the veterans administration for the state veterans cemetery program grant after the effective date of this act. Nothing in this subsection shall be construed as applying to grants submitted prior to the effective date of this act.

Sec. 24. K.S.A. 2013 Supp. 73-1233 is hereby amended to read as follows: 73-1233. (a) As used in this section “memorial for veterans” means a capital improvement or other suitable memorial for Kansas veterans who served in the armed forces of the United States of America which is proposed to be located or is located at an institution, building or facility on state-owned property of the *director of the* Kansas commission on veterans affairs *office* and may include trees, shrubs and other landscaping.

(b) In accordance with this section, the *director of the* Kansas commission on veterans affairs *office* may initiate and conduct capital improvement projects to construct, reconstruct or repair or to maintain memorials for veterans. Each memorial for veterans shall be located at an institution, building or facility on state-owned property of the *director of the* Kansas commission on veterans affairs *office* and shall become the property of Kansas upon completion and acceptance of the project by the secretary of administration and the *director of the* Kansas commission on veterans affairs *office*. Except as otherwise provided by law or rules and regulations adopted under this section, each such capital improvement project for any such memorial for veterans shall be totally financed from private moneys received by the *director of the* Kansas commission on veterans affairs *office* for such purpose. Prior to initiating a capital improvement project for any such memorial for veterans, the plans and specifications for the project shall be reviewed and shall receive prior approval by the secretary of administration. No such capital improvement project for any such memorial for veterans shall be approved or initiated by the *director of the* Kansas commission on veterans affairs *office* without having first advised and consulted with the joint committee on state building construction.

(c) In accordance with the provisions of this act and the rules and regulations adopted thereunder, the *director of the* Kansas commission on veterans affairs *office* may apply for, accept and receive any private donation, gift, grant or bequest made to establish, modify or maintain memorials for veterans. The *director of the* Kansas commission on veterans affairs *office* shall administer and expend any such private donation, gift, grant or bequest in accordance with the terms or conditions imposed by the donor.

(d) The *director of the* Kansas commission on veterans affairs *office* shall develop and adopt rules and regulations prescribing guidelines, limitations and procedures for the approval of proposed memorials for veterans and for the acceptance of private donations, gifts, grants and bequests made for memorials for veterans. The rules and regulations prescribing such guidelines and procedures shall include:

(1) Procedures for the appointment by the ~~commission~~ *director of the* Kansas commission on veterans affairs *office* of an advisory committee to advise the ~~commission~~ *director* regarding memorials for veterans, which *advisory* committee shall include one or more members of the legislature representing each area where a memorial may be located pursuant to this section and such other persons selected by the ~~commission~~ *director*;

(2) guidelines for memorials for veterans to assure that each memorial for veterans is an appropriate tribute to Kansas veterans who served

in the armed forces of the United States of America, is nonpartisan in nature and is in accord with nondiscrimination principles;

(3) guidelines and procedures to provide that the prior, express approval of the *director of the Kansas commission on veterans affairs office* has been obtained before: (A) The name of the Kansas commission on veterans affairs *office* or the name of the Kansas soldiers' home, the Kansas veterans' home or any other institution, building or facility under the jurisdiction of the ~~commission, director;~~ or (B) the name of ~~any member of the commission~~ *director* or of any officer or employee of the ~~commission~~ *Kansas commission on veterans affairs office* or of any such institution, building or facility, is used in connection with any fund-raising for any memorial for veterans;

(4) guidelines for appropriate recognition of donors for memorials for veterans, except that no memorial for veterans shall be named for any donor;

(5) procedures to provide that the design, plans and specifications for memorials for veterans are reviewed and approved by the secretary of administration to assure conformance with the requirements and guidelines applicable to state capital improvement projects; and

(6) limitations and other guidelines for the expenditure of moneys in benefit funds established under K.S.A. 75-3728e et seq., and amendments thereto, for the Kansas soldiers' home or the Kansas veterans' home for the establishment or maintenance of memorials for veterans.

(e) Members of the advisory committee established under this section shall receive no compensation or reimbursement for expenses incurred for their service on such advisory committees.

(f) There is hereby established in the state treasury the Kansas veterans memorials fund which shall be administered by the *director of the Kansas commission on veterans affairs office*. All moneys received from any private donation, gift, grant or bequest made for memorials for Kansas veterans who served in the armed forces of the United States of America 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 Kansas veterans memorials fund. All expenditures from the Kansas veterans memorials fund shall be for the purpose of financing capital improvement projects for the construction, reconstruction or repair or for the maintenance of memorials for veterans and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the *director of the Kansas commission on veterans affairs office* or the ~~commission's~~ *director's* designee.

(g) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas veterans memorials fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas veterans memorials fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 25. K.S.A. 2013 Supp. 73-1234 is hereby amended to read as follows: 73-1234. (a) (1) The *director of the Kansas commission on veterans affairs office* 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.

(2) The *director of the Kansas commission on veterans affairs office* shall establish and commence operations under the veterans claims assistance program in accordance with this section on or before August 1, 2006.

(3) The *director of the Kansas commission on veterans affairs office* shall appoint the ~~director of the veterans claims assistance program~~ *deputy director of veterans services*, who shall be in the classified service under the Kansas civil service act. *The deputy director of veterans services shall provide such services to assist the director of the Kansas commission on veterans affairs office for all veterans services, except for those services relating to the Kansas soldiers' home and the Kansas veterans' home.*

(4) No employee of the Kansas commission on veterans affairs *office* shall act as an agent with power of attorney for any claimant.

(b) The veterans claims assistance program shall implement and administer annual service grants to eligible veterans service organizations pursuant to grant agreements entered into with the *director of the* Kansas commission on veterans affairs *office* in accordance with this section. All grant agreements shall include any match requirements described in subsection (g). All service grants and grant agreements shall be subject to the provisions of appropriation acts.

(c) The *director of the* Kansas commission on veterans affairs *office* 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~~ *director*.

(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 *director of the* Kansas commission on veterans affairs *office* 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 ~~director~~ *deputy director of veterans services* that the person has successfully completed the national association of county veterans service officers training or equivalent, as determined by the ~~director~~ *deputy director of veterans services* and that such person shall participate in a minimum of one annual training session as approved by the ~~director~~ *deputy director of veterans services* as well as maintain the continuing education requirements of the cross-accrediting veterans service organization; and

(B) the cross-accrediting veterans service organization has reserved the right to terminate the 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~~ *deputy director of veterans services*;

(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 *director of the* Kansas commission on veterans affairs *office* 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 federal veterans administration regional

office and the United States department of veterans affairs medical centers located in Topeka and Leavenworth;

(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 *the* Kansas commission on veterans affairs *office* staff located in the federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth and Topeka; and

(13) agree that the veterans service organization shall continue to provide monetary support for the veterans claims assistance program pursuant to the requirements in subsection (g).

~~For the purposes of this subsection, “director” means the director of the veterans claims assistance program.~~

(g) Any monetary support provided under subsection (f)(13) shall be in a combination of monetary and non-monetary support, herein called “match.” The veterans claims assistance advisory board shall determine the percentage of the match as a percent of the amount of the service grant provided to the veterans service organization, and submit such determination to the *director of the* Kansas commission on veterans affairs *office* for approval.

(h) Each veterans service organization receiving a service grant under this section shall file with the Kansas commission on veterans affairs *office*, 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.

(i) The *director of the* Kansas commission on veterans affairs *office* 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. 26. K.S.A. 2013 Supp. 73-1235 is hereby amended to read as follows: 73-1235. (a) There is hereby established with the Kansas commission on veterans affairs *office* an advisory board which shall be known as the ~~veterans claims assistance~~ VCAP advisory board. The advisory board shall advise the *director of the* Kansas commission on veterans affairs *office* in the implementation and administration of the veterans claims assistance program.

(b) (1) The advisory board shall consist of ~~the following members at least seven members as follows:~~

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

~~(2)(B)~~ (B) Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran. The *deputy* director of *veterans services* 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.

(C) The governor shall appoint ~~one veteran as a member of the advisory board from each list~~ two members of the advisory board who shall be veterans. With regard to members appointed by the governor, any veterans service organization may submit a list of three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

~~(3)~~(D) 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.

(2) *If there are less than two veterans services organizations participating in the grant program under subsection (b)(1)(B), then the governor shall appoint the remaining members of the advisory board. Appointments under this paragraph shall not exceed two members.*

(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. 27. K.S.A. 2013 Supp. 73-1236 is hereby amended to read as follows: 73-1236. The legislative budget committee shall annually study and review the veterans claims assistance program and the service grants program of the Kansas commission on veterans affairs *office* under this act. The *director of the* Kansas commission on veterans affairs *office* and each veterans service organization which is receiving service grants under this section shall prepare and present annual reports of activities and expenditures under the veterans claims assistance program and the service grants program.

Sec. 28. K.S.A. 2013 Supp. 73-1238 is hereby amended to read as follows: 73-1238. There is hereby created within the Kansas commission on veterans affairs *office*, 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)~~(a) 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)~~(b) 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. 29. K.S.A. 2013 Supp. 73-1239 is hereby amended to read as follows: 73-1239. 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 *director of the Kansas commission on veterans affairs office* 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 *director of the Kansas commission on veterans affairs office* at any time after January 1, 2010, on forms prescribed and furnished by the *deputy director of the Kansas commission on veterans affairs office*. 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 *director of the Kansas commission on veterans affairs office*. The *deputy director of veterans* ~~veterans~~ *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. 30. K.S.A. 2013 Supp. 73-1241 is hereby amended to read as follows: 73-1241. 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 *director of the Kansas commission on veterans affairs office* shall give the Vietnam war era medallion, medal and the certificate to the spouse or eldest living survivor of the deceased veteran.

Sec. 31. K.S.A. 2013 Supp. 73-1242 is hereby amended to read as follows: 73-1242. 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 *director of the Kansas commission on veterans affairs office* 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~~ *director of the Kansas commission on veterans affairs office* 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. 32. K.S.A. 2013 Supp. 73-1243 is hereby amended to read as follows: 73-1243. 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 *director of the Kansas commission on veterans affairs office*. 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)(a)~~ The average daily balance of moneys in the Vietnam war era veterans' recognition award fund for the preceding month; and
- ~~(2)(b)~~ 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. 33. K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas, is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 65-2422d and 74-2022, and amendments thereto.

(2) Nothing in this section shall prevent the transmittal of motor vehicle records for the purpose of processing voter registration applications.

(3) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers' license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908 and K.S.A. 2013 Supp. 8-1025, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567 or K.S.A. 2013 Supp. 8-1025, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2013 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

- (i) Have safety-related defects;
- (ii) fail to comply with emission standards; or
- (iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:

- (i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or

(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: Drivers' license number, license type, date of birth, name, address, issue date and expiration date;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;

(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals;

(G) assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety; or

(H) assisting the Kansas commission on veterans affairs *office* in notifying veterans of the facilities, benefits and services available to veterans.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 34. K.S.A. 2013 Supp. 75-3370 is hereby amended to read as follows: 75-3370. (a) The secretary of social and rehabilitation ~~for aging~~

and disability services is hereby authorized to enter into an interagency agreement with the secretary of corrections and the *director of the Kansas commission on veterans affairs office* transferring the charge, care, management and control of the Winfield state hospital and training center property to the department of corrections and the Kansas commission on veterans affairs *office* in accordance with the current uses of the Winfield state hospital and training center property and as agreed upon by the secretary of corrections and the *director of the Kansas commission on veterans affairs office*.

(b) At such time as specific title descriptions to the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the department of corrections and the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the *director of the Kansas commission on veterans affairs office* have been determined and are available, the secretary of ~~social and rehabilitation for aging and disability~~ services shall convey, without compensation, title to such portions of the Winfield state hospital and training center property to the department of corrections and the Kansas commission on veterans affairs *office*, respectively. The conveyance prescribed by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(c) “Winfield state hospital and training center property” means the state-owned real estate, including any improvements thereon, which is located in the city of Winfield and Cowley county and which is described as follows:

(1) The Southwest Quarter of Section 14, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas;

(2) The Southeast Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas, less Road Right of Way; and

(3) Part of the Northwest Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., that lies East of the Centerline of Timber Creek, and described as follows: Commencing at the Northeast corner of said Quarter Section; Thence West along the North line of said Quarter Section to the center of the Channel of Timber Creek; Thence Southerly down the center of the channel of said creek (following the meanderings thereof) to the South line of said Quarter Section; Thence East along the South line of said Quarter Section to the Southeast Corner of said Quarter Section; Thence North along the East line of said Quarter Section to the Point of Beginning.

Sec. 35. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

(1) The office of governor, lieutenant governor or attorney general;

(2) members of the Kansas senate or house of representatives;

(3) any safety sensitive position;

(4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;

(5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;

(6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or

(7) any employee of a state veteran’s home operated by the *director of the Kansas commission on veterans affairs office* as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

(1) The employee has not previously had a valid positive test result; and

(2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) “Safety sensitive positions” means the following:

(1) All state law enforcement officers who are authorized to carry firearms;

(2) all state corrections officers;

(3) all state parole officers;

(4) heads of state agencies who are appointed by the governor and employees on the governor’s staff;

(5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2013 Supp. 21-5914, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;

(7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions; and

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment.

Sec. 36. K.S.A. 2013 Supp. 76-6b05 is hereby amended to read as follows: 76-6b05. (a) All moneys received by the state treasurer under K.S.A. 76-6b04, and amendments thereto, shall be credited to the state institutions building fund, which is hereby created in the state treasury, to be used for the construction, reconstruction, equipment and repair of buildings and grounds at institutions specified in K.S.A. 76-6b04, and amendments thereto, and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the juvenile justice authority shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the juvenile justice authority for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the juvenile justice

authority for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(c) Subject to any restrictions imposed by appropriation acts, the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services specified by statute for the payment of debt service on revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services. Subject to any restrictions imposed by appropriation acts, the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services for payment of debt service on revenue bonds and any such revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(d) Subject to any restrictions imposed by appropriation acts, the *director of the* Kansas commission on veterans affairs *office* is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas commission on veterans affairs *office* specified by statute for the payment of debt service on revenue bonds issued for veterans' home HVAC system replacement. Subject to any restrictions imposed by appropriation acts, the *director of the* Kansas commission on veterans affairs *office* is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas commission on veterans affairs *office* specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state ~~or~~ *nor* the *director of the* Kansas commission on veterans affairs *office* shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the Kansas commission on veterans affairs *office* for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the Kansas commission on veterans affairs *office* for payment of debt service on revenue bonds and any such revenue bonds issued for veterans' home HVAC system replacement shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 37. K.S.A. 76-1904 is hereby amended to read as follows: 76-1904. (a) The *director of the* Kansas commission on veterans affairs *office* shall have full control of the Kansas soldiers' home, the property, effects, supervision and management thereof.

(b) A superintendent of the Kansas soldiers' home shall be appointed by the Kansas commission on veterans affairs, and shall serve at the pleasure of the commission. The superintendent shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary

~~fixed by the Kansas commission on veterans affairs, with the approval of the governor. The superintendent of the Kansas soldiers' home shall perform such duties and exercise such powers as the commission may prescribe, and such duties and powers as are prescribed by law. A superintendent of the Kansas soldiers' home shall be appointed by the director of the Kansas commission on veterans affairs office in accordance with K.S.A. 73-1210a.~~

Sec. 38. K.S.A. 76-1904a is hereby amended to read as follows: 76-1904a. The *director of the Kansas veterans' commission on veterans affairs office* shall establish rates of charges to be made to members and patients of the Kansas soldiers' home. Such charges shall not exceed an amount equal to the per diem cost of care for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is the smaller. No action shall be commenced by the *director of the Kansas veterans' commission on veterans affairs office* against a member or patient or the estate of a member or patient for the recovery of any such charges unless such action is commenced within five (5) years after the date such charges are incurred. Such ~~commission~~ *director* may compromise and settle any claim for charges hereunder, and may, upon payment of a valuable consideration by the member or patient or his or her estate, discharge and release such member, patient or estate of any or all past liability incurred hereunder. Whenever the ~~commission~~ *director* shall negotiate a compromise agreement to settle any claim due or claim to be due from a member or a patient or his or her estate, no action shall thereafter be brought or claim made for any amounts due for charges incurred prior to the effective date of the agreement entered into, except for the amounts provided for in the agreement. Nothing in this act shall be deemed to extend the period specified in K.S.A. 59-2239, and amendments thereto, for the purposes therein specified.

Sec. 39. K.S.A. 2013 Supp. 76-1906 is hereby amended to read as follows: 76-1906. The superintendent of the Kansas soldiers' home shall remit all moneys received by or for the superintendent under article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto, and all moneys received from the United States veterans administration for reimbursements for the care of residents 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 soldiers' home fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas veterans' commission on veterans affairs office~~ or by a person or persons designated by the director.

Sec. 40. K.S.A. 76-1908 is hereby amended to read as follows: 76-1908. (a) The following, subject to the rules and regulations that may be adopted by the *director of the Kansas commission on veterans affairs office* for the management and government of the Kansas soldiers' home, shall be eligible to admission to the Kansas soldiers' home:

(1) Any person who served in the active military service of the United States during any period of war, or who served in the active military service of the United States during peacetime and is entitled to veterans administration hospitalization or domiciliary care under title 38, United States code and veterans administration rules and regulations, and who has been discharged or relieved therefrom under conditions other than dishonorable, who may be disabled by disease, wounds, old age or otherwise disabled, and who, by reason of such disability, is incapacitated from earning a living.

(2) The widow, mother, widower, father or minor child of any person who qualified under paragraph (1) of subsection (a), if such widow, mother, widower, father or minor child is incapable of self-support because of physical disability.

(b) No person shall be admitted to the soldiers' home except upon application to the *Kansas commission on veterans affairs office* and approval of the application by the ~~commission~~ *director*. No applicant shall be admitted to the soldiers' home who has not been an actual resident of the state of Kansas for at least two years next preceding the date of application.

(c) No person shall be admitted to or retained in the soldiers' home who has been convicted of a felony, unless the ~~commission~~ *director of the Kansas commission on veterans affairs office* finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others.

(d) No child shall be admitted to or retained in the soldiers' home who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the home shall be discharged under 16 years of age.

(f) The *director of the Kansas commission on veterans affairs office* shall have authority by resolution to discharge any member from the soldiers' home on a showing that the member has gained admittance into the soldiers' home by misrepresentation of the member's financial or physical condition, or a showing that the financial or physical condition of such member has been so altered since admittance so that the further maintenance of the member in the soldiers' home is not justified. No such member shall be discharged without notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(g) The rules and regulations for admission of members to the Kansas soldiers' home: (1) Shall require that a veteran who has no adequate means of support, and such members of the family as are dependent upon such person for support, shall be given priority over other applicants for admission; and (2) shall require that an applicant for admission be given priority over patients transferred from state institutions under the provisions of K.S.A. 76-1936, and amendments thereto.

Sec. 41. K.S.A. 76-1927 is hereby amended to read as follows: 76-1927. The *director of the Kansas ~~veterans'~~ commission on veterans affairs office* shall have the authority to establish rules and regulations for the management and operation of the Kansas soldiers' home and governing conduct and discipline of the members of and other persons in the Kansas soldiers' home. Such rules and regulations shall be filed with the secretary of state as provided by law.

Sec. 42. K.S.A. 76-1928 is hereby amended to read as follows: 76-1928. The *director of the Kansas commission on veterans affairs office* or the superintendent of the Kansas soldiers' home shall enforce such rules and regulations and ~~he or she~~ may furlough any member for violation of such rules.

Sec. 43. K.S.A. 76-1929 is hereby amended to read as follows: 76-1929. The *director of the Kansas ~~veterans'~~ commission on veterans affairs office* may discharge any member who violates such rules and regulations, except that no member shall be discharged without notice to such member and a right to be heard concerning such charges in accordance with the provisions of the Kansas administrative procedure act.

Sec. 44. K.S.A. 76-1931 is hereby amended to read as follows: 76-1931. If any member of such soldiers' home shall refuse to vacate the premises upon receiving a furlough from the officers designated to enforce the rules and regulations, such refusal shall constitute a forfeiture of ~~his or her~~ *such person's* right to remain in the home and such member shall be forthwith discharged by the *director of the Kansas ~~veterans'~~ commission on veterans affairs office*.

Sec. 45. K.S.A. 76-1932 is hereby amended to read as follows: 76-1932. If any member shall refuse to vacate the premises upon being discharged by the *director of the Kansas ~~veterans'~~ commission on veterans affairs office*, such member shall ~~forthwith~~ forfeit ~~his or her~~ *such member's* right to subsistence and rations for ~~himself or herself~~ *the member* and *the member's* dependents, if any, and the *director of the Kansas ~~veterans'~~ commission on veterans affairs office* shall institute legal proceedings to force such member to vacate the premises.

Sec. 46. K.S.A. 76-1935 is hereby amended to read as follows: 76-1935. The *director of the Kansas ~~veterans'~~ commission on veterans affairs office* shall designate a person at the Kansas soldiers' home who shall be in charge of the member funds at such soldiers' home. The person so designated shall have custody and charge of all moneys belonging to the members, or persons attending the Kansas soldiers' home, which are held

for their use, benefit and burial. ~~Said~~ *The director of the Kansas veterans' commission on veterans affairs office* shall designate the bank or banks, in which such moneys shall be deposited, ~~and shall provide that any sums in excess of five thousand dollars (\$5,000) shall be deposited with the state treasurer for safekeeping. Any fund so deposited with the state treasurer shall be held by him or her, separate and apart from the other funds in his or her custody, and may be withdrawn by the person designated by said Kansas veterans' commission.~~

Sec. 47. K.S.A. 76-1935a is hereby amended to read as follows: 76-1935a. The custodian of the members and patients trust fund at the Kansas soldiers' home shall notify the ~~executive~~ director of the Kansas ~~veterans' commission on veterans affairs office~~ of any moneys which are under the custodian's charge belonging to members who have died intestate, without known heirs or designated beneficiaries for funds on deposit, and the ~~executive~~ director shall publish a notice for two consecutive weeks in the Kansas register which shall state the name of each deceased member, their last known home address and the amount of the deposit remaining in the account of such former member; and such notice shall further state that unless interested persons appear and file a legitimate claim ~~therefor~~ within one year after the date of the last publication of such notice, ~~said~~ such amount or amounts will be transferred to the general fees fund of the soldiers' home to help defray unrecovered costs connected with the maintenance and operation of the soldiers' home and for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services which are performed on behalf of such agency by other state agencies.

Unless a party entitled thereto shall make claim within the time stated in the notice, the balance in any former member's fund as so published for which no claim is made as prescribed herein shall be transferred as hereinabove provided. Thereafter, unless a claim is filed with the ~~veterans' director of the Kansas~~ *commission on veterans affairs office* within two years after such transfer is made, no claim may be made or filed for such former member's fund, except that a person under legal disability during the two-year period may file a claim within one year after removal of the disability. The ~~veterans' director of the Kansas~~ *commission on veterans affairs office* is hereby authorized to make payments to claimants it shall determine are entitled thereto, if such claims otherwise comply with the terms of this act, and such payments shall be authorized from the general fees fund of the Kansas soldiers' home to which the former members funds were transferred.

Sec. 48. K.S.A. 76-1936 is hereby amended to read as follows: 76-1936. (a) The commissioner of mental health and developmental disabilities of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability services*, with the approval of the secretary of ~~social and rehabilitation for aging and disability services~~ and the *director of the Kansas veterans' commission on veterans affairs office*, may transfer patients in the state hospitals at Topeka, Osawatomie and Larned and patients in the Rainbow mental health facility, the Parsons state hospital and training center and the Winfield state hospital and training center who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1908, *and amendments thereto*, and who was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas soldiers' home. No patient who is such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure himself or others, shall be so transferred to such Kansas soldiers' home, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1908, *and amendments thereto*, and rules and regulations promulgated thereunder. Persons so transferred shall not be considered as members of the Kansas soldiers' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facility shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become

such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure himself or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas soldiers' home, with the approval of the commissioner of mental health and developmental disabilities *and the director of the Kansas commission on veterans affairs office*, to the institution from whence the patient was originally transferred.

Sec. 49. K.S.A. 2013 Supp. 76-1939 is hereby amended to read as follows: 76-1939. The ~~Kansas-veterans'~~ *commission on veterans affairs office* shall not engage in farming operations on the farm land which are part of the lands of the Kansas soldiers' home except that the *Kansas commission on veterans affairs office* may engage in and permit vegetable gardening on a portion of such lands. All such farm lands not needed or used for vegetable gardening shall be rented or leased, for a period not to exceed five years, by the *Kansas commission on veterans affairs office*, except that if the Kansas state university of agriculture and applied science shall request that such lands be rented or leased to it for agricultural experimental purposes, it shall be given preference when such lands are rented or leased. Any such rental or lease agreement shall not include any buildings or improvements other than irrigation pumps and facilities. All moneys derived from the lease or rental of such farm lands 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 Kansas soldiers' home and Mother Bickerdyke annex fee fund for the use of such soldiers' home.

Sec. 50. K.S.A. 76-1941 is hereby amended to read as follows: 76-1941. (a) The *director of the Kansas commission on-veterans' affairs office* may enter into a written contract with any individual who is eligible for admission to the Kansas soldiers' home under K.S.A. 76-1908, and amendments thereto, to authorize the construction of a single-family dwelling for use as a home for such individual and such individual's family members on the real property of the Kansas soldiers' home in accordance with rules and regulations adopted by the *director of the Kansas commission on veterans affairs office* under this section. Each such dwelling shall be constructed and maintained: (1) At the expense of the individual entering into a contract with the ~~commission~~ *director* under this section, including any required sewer, water and utility connections;; (2) at a location on the real property of the Kansas soldiers' home approved in accordance with rules and regulations adopted by the ~~commission~~ *director* under this section;; and (3) in accordance with the building design, construction and materials standards as authorized or prescribed by rules and regulations adopted by the ~~commission~~ *director* under this section.

(b) The *director of the Kansas commission on veterans affairs office* shall grant a life estate to each individual who enters into a contract under this section and who constructs a dwelling at the Kansas soldiers' home in accordance with this section and the rules and regulations adopted by the ~~commission~~ *director* under this section. The life estate shall be for the dwelling and the tract of real property that the dwelling is constructed on, as specified in the contract entered into under this section, for the life of the individual and the lives of such individual's family members who are residing in the dwelling. Each life estate granted by the ~~commission~~ *director* under this section shall be approved as to form and legality by the attorney general.

(c) At the end of each life estate granted under this section, the dwelling and real estate which is the subject of the life estate shall revert to the Kansas soldiers' home and such dwelling and real estate shall be used for housing of veterans and other eligible individuals admitted to the Kansas soldiers' home as provided by statute.

(d) The *director of the Kansas commission on veterans affairs office* shall adopt rules and regulations prescribing policies and procedures for the construction and maintenance of single-family dwellings on the real estate of Kansas soldiers' home, prescribing building design, construction and materials standards for such dwellings, and for such other matters as may be required for the implementation and administration of this section. No rule and regulation shall be adopted by the *director of the Kansas*

commission on veterans affairs *office* under this subsection unless the *director of the Kansas commission on veterans affairs office* first has advised and consulted with the joint committee on state building construction and has presented such proposed rule and regulation to the joint committee on state building construction.

(e) As used in this section, “family members” includes the spouse of an individual who has entered into a contract under this section, the widow or widower of an individual who has entered into a contract under this section, and the mother, father or minor child of an individual who has entered into a contract under this section, if such mother, father or minor child is incapable of self-support because of physical disability.

Sec. 51. K.S.A. 76-1951 is hereby amended to read as follows: 76-1951. (a) On and after January 1, 1998, the Kansas commission on veterans affairs *office* shall operate a Kansas veterans’ home to be located on the grounds of Winfield state hospital and training center. The *director of the Kansas commission on veterans affairs office* and the secretary ~~of social and rehabilitation for aging and disability~~ services shall enter into an agreement concerning property, premises, facilities, installations, equipment and records of Winfield state hospital and training center which will be transferred to the *director of the Kansas commission on veterans affairs office* for the purpose of establishing and operating the Kansas veterans’ home. The agreement shall establish the timing of any such transfers. Any conflict as to the proper disposition of property or records arising under this section shall be determined by the governor, whose decision shall be final.

(b) The *director of the Kansas commission on veterans affairs office* shall have full control of the Kansas veterans’ home, the property, effects, supervision and management of the home.

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

~~(d) A superintendent of the Kansas veterans’ home shall be appointed by the Kansas commission on veterans affairs, and shall serve at the pleasure of the commission. The superintendent shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the Kansas commission on veterans affairs, with the approval of the governor. The superintendent of the Kansas veterans’ home shall perform such duties and exercise such powers as the commission may prescribe, and such duties and powers as are prescribed by law. A superintendent of the Kansas veterans’ home shall be appointed by the director of the Kansas commission on veterans affairs office in accordance with K.S.A. 73-1210a, and amendments thereto.~~

Sec. 52. K.S.A. 76-1952 is hereby amended to read as follows: 76-1952. The *director of the Kansas commission on veterans affairs office* shall establish rates of charges to be made to members and patients of the Kansas veterans’ home. The charges in the first year of operation of the Kansas veterans’ home shall not exceed an amount equal to the per diem cost of care for the Kansas soldiers’ home for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is less, and thereafter the charges shall not exceed an amount equal to the per diem cost of care for the Kansas veterans’ home for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is the lesser amount. No action shall be commenced by the *director of the Kansas commission on veterans affairs office* against a member or patient or the estate of a member or patient for the recovery of any such charges unless such action is commenced within five years after the date such charges are incurred. ~~The commission~~ *director of the Kansas commission on veterans affairs office* may compromise and settle any claim for charges under this section, and may, upon payment of a valuable consideration by the member or

patient or the estate of the member or patient, discharge and release such member, patient or estate of any or all past liability incurred under this section due or claim to be due from a member or a patient or the estate of the member or patient, no action shall thereafter be brought or claim made for any amounts due for charges incurred prior to the effective date of the agreement entered into, except for the amounts provided for in the agreement. Nothing in this act shall be deemed to extend the period specified in K.S.A. 59-2239, and amendments thereto, for the purposes therein specified.

Sec. 53. K.S.A. 2013 Supp. 76-1953 is hereby amended to read as follows: 76-1953. The superintendent of the Kansas veterans' home shall remit all moneys received by or for the superintendent under this act and all moneys received from the United States department of veterans affairs for reimbursements for the care of residents 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 veterans' home fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~executive~~ director of the Kansas commission on veterans affairs *office* or by a person or persons designated by the ~~executive~~ director.

Sec. 54. K.S.A. 76-1954 is hereby amended to read as follows: 76-1954. (a) The following, subject to the rules and regulations that may be adopted by the *director of the* Kansas commission on veterans affairs *office* for the management and government of the Kansas veterans' home, shall be eligible to admission to the Kansas veterans' home:

(1) Any person who served in the active military service of the United States during any period of war, or who served in the active military service of the United States during peacetime and is entitled to veterans affairs hospitalization or domiciliary care under title 38 of the United States code and federal veterans affairs rules and regulations, and who has been discharged or relieved therefrom under conditions other than dishonorable, who may be disabled by disease, wounds, old age or otherwise disabled, and who, by reason of such disability, is incapacitated from earning a living; and

(2) the widow, mother, widower, father or minor child of any person who qualified under paragraph (1) of subsection (a), if such widow, mother, widower, father or minor child is incapable of self-support because of physical disability.

(b) No person shall be admitted to the veterans' home except upon application to the *Kansas commission on veterans affairs office* and approval of the application by the *director of the Kansas commission on veterans affairs office*. No applicant shall be admitted to the veterans' home who has not been an actual resident of the state of Kansas for at least two years next preceding the date of application.

(c) No person shall be admitted to or retained in the veterans' home who has been convicted of a felony, unless the *director of the Kansas commission on veterans affairs office* finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others.

(d) No child shall be admitted to or retained in the veterans' home who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the veterans' home shall be discharged under 16 years of age.

(f) The *director of the* Kansas commission on veterans affairs *office* shall have authority by resolution to discharge any member from the veterans' home on a showing that the member has gained admittance into the veterans' home by misrepresentation of the member's financial or physical condition, or a showing that the financial or physical condition of such member has been so altered since admittance so that the further maintenance of the member in the veterans' home is not justified. No such member shall be discharged without notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(g) The rules and regulations for admission of members to the Kansas veterans' home:

(1) Shall require that a veteran who has no adequate means of support, and such members of the family as are dependent upon such person for support, shall be given priority over other applicants for admission; and

(2) shall require that an applicant for admission be given priority over patients transferred from state institutions under the provisions of K.S.A. 76-1958, and amendments thereto.

Sec. 55. K.S.A. 76-1955 is hereby amended to read as follows: 76-1955. (a) The *director of the Kansas commission on veterans affairs office* shall have the authority to establish rules and regulations for the management and operation of the Kansas veterans' home and governing conduct and discipline of the members of and other persons in the Kansas veterans' home. Such rules and regulations shall be filed with the secretary of state as provided by law.

(b) The superintendent of the Kansas veterans' home shall enforce such rules and regulations, and the superintendent may furlough any member for violation of such rules.

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

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

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

(f) If any member shall refuse to vacate the premises upon being discharged by the *director of the Kansas commission on veterans affairs office*, such member shall forthwith forfeit the member's right to subsistence and rations for such member and dependents, if any, and the *director of the Kansas commission on veterans affairs office* shall institute legal proceedings to force such member to vacate the premises.

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

Sec. 56. K.S.A. 76-1956 is hereby amended to read as follows: 76-1956. The *director of the Kansas commission on veterans affairs office* shall designate a person at the Kansas veterans' home who shall be in charge of the member funds at such veterans' home. The person so designated shall have custody and charge of all moneys belonging to the members, or patients residing in the Kansas veterans' home, which are held for their use, benefit and burial. The *director of the Kansas commission on veterans affairs office* shall designate the bank or banks, in which such moneys shall be deposited, ~~and shall provide that any sums in excess of \$5,000 shall be deposited with the state treasurer for safe-keeping. Any fund so deposited with the state treasurer shall be held by the state treasurer, separate and apart from the other funds in the custody of the state treasurer, and may be withdrawn by the person designated by the Kansas commission on veterans affairs.~~

Sec. 57. K.S.A. 76-1957 is hereby amended to read as follows: 76-1957. (a) The custodian of the members and patients trust fund at the Kansas veterans' home shall notify the ~~executive~~ *director of the Kansas commission on veterans affairs office* of any moneys which are under the

custodian's charge belonging to members who have died intestate, without known heirs or designated beneficiaries for funds on deposit, and the ~~executive~~ director shall publish a notice for two consecutive weeks in the Kansas register which shall state the name of each deceased member, their last known home address and the amount of the deposit remaining in the account of such former member; and such notice shall further state that unless interested persons appear and file a legitimate claim therefor within one year after the date of the last publication of such notice, such amount or amounts will be transferred to the general fees fund of the veterans' home to help defray unrecovered costs connected with the maintenance and operation of the veterans' home and for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services which are performed on behalf of such agency by other state agencies.

(b) Unless a party entitled thereto makes claim within the time stated in the notice, the balance in any former member's fund as so published for which no claim is made as prescribed in this section shall be transferred as provided in this section. Thereafter, unless a claim is filed with the *Kansas* commission on veterans affairs *office* within two years after such transfer is made, no claim may be made or filed for such former member's fund except that a person under legal disability during the two-year period may file a claim within one year after removal of the disability. The *director of the Kansas* commission on veterans affairs *office* is hereby authorized to make payments to claimants it shall determine are entitled thereto, if such claims otherwise comply with the terms of this act; and such payments shall be authorized from the general fees fund of the Kansas veterans' home to which the former member's funds were transferred.

Sec. 58. K.S.A. 76-1958 is hereby amended to read as follows: 76-1958. (a) The commissioner of mental health and developmental disabilities of the ~~department of social and rehabilitation~~ *Kansas department for aging and disability* services, with the approval of the secretary of ~~social and rehabilitation~~ *for aging and disability* services and the *director of the Kansas* commission on veterans affairs *office*, may transfer patients in the state hospitals in Topeka, Osawatomie and Larned and patients in the Rainbow mental health facility, the Parsons state hospital and training center and the Winfield state hospital and training center who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1954, and amendments thereto, and was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas veterans' home. No patient who is such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure oneself or others shall be so transferred to such Kansas veterans' home, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1954, and amendments thereto, and rules and regulations promulgated thereunder. Persons so transferred shall not be considered as members of the Kansas veterans' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facilities shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure oneself or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas veterans' home, with the approval of the commissioner of mental health and developmental disabilities *and the director of the Kansas* commission on veterans affairs *office*, to the institution from which the patient was originally transferred.

Sec. 59. K.S.A. 2013 Supp. 79-3221k is hereby amended to read as follows: 79-3221k. (a) For all tax years commencing after December 31, 2011, each Kansas state individual income tax return form shall contain a designation as follows:

Kansas Hometown Heroes Fund. Check if you wish to donate, in ad-

dition to your tax liability, or designate from your refund, _____\$1,
_____ \$5, _____\$10 or \$_____.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas hometown heroes fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas hometown heroes fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the continued operations of the veteran services program of the Kansas commission on veterans affairs office. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the ~~executive~~ director of the Kansas commission on veterans affairs office.

Sec. 60. K.S.A. 73-209, 73-210, 73-1207, 73-1208b, 73-1208c, 73-1211, 73-1220, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958; K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418, 73-1208a, 73-1209, 73-1210a, 73-1217, 73-1218, 73-1219, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k are hereby repealed.

Sec. 61. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.