

HOUSE BILL No. 2761

By Committee on Veterans and Military

Requested by Jim Karleskint on behalf of the Veterans of Foreign Wars

2-8

1 AN ACT concerning veterans and military; relating to veterans benefits;
2 prohibiting certain conduct and improper collection of veterans benefit
3 fees.
4

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

6 Section 1. As used in this act:

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

16 Sec. 2. (a) Except as permitted under federal law, no person shall
17 receive compensation for preparing, presenting, prosecuting, advising,
18 consulting or assisting any individual with regard to any veterans benefits
19 matter before the United States department of veterans affairs, the United
20 States department of defense or the Kansas commission on veterans affairs
21 office.

22 (b) No person shall receive compensation for referring any individual
23 to another person to prepare, present, prosecute, advise, consult or assist
24 regarding any veterans benefits matter before the United States department
25 of veterans affairs, the United States department of defense or the Kansas
26 commission on veterans affairs office.

27 (c) Nothing in this section shall be construed to prohibit a division of
28 fees between attorneys that is otherwise proper under Kansas law and the
29 Kansas rules of professional conduct.

30 (d) A violation of this section shall be a violation of the Kansas
31 consumer protection act pursuant to K.S.A. 50-262, and amendments
32 thereto.

33 Sec. 3. Any person who received compensation for preparing,
34 presenting, prosecuting, advising, consulting or assisting an individual
35 with regard to any veterans benefits matter before the United States

1 department of veterans affairs, the United States department of defense or
2 the Kansas commission on veterans affairs office shall be held to the same
3 ethical standards as an attorney under the Kansas rules of professional
4 conduct in the following practices:

- 5 (a) Advertising;
- 6 (b) solicitation of new clients;
- 7 (c) confidentiality;
- 8 (d) duty of care;
- 9 (e) duty of honesty; and
- 10 (f) duty to zealously pursue what is in the best interest of the client.

11 Sec. 4. If any provision or clause of this act or application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of this act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16 Sec. 5. This act shall take effect and be in force from and after its
17 publication in the Kansas register.