

HOUSE BILL No. 2760

AN ACT concerning veterans and military; relating to the transfer of powers, duties and functions of the Kansas commission on veterans affairs office; establishing the Kansas office of veterans services; updating the veterans claims assistance program to include references to veterans affairs medical centers and cross-accreditation requirements; prescribing documentation requirements to determine eligibility for benefits derived from a service-connected disability; requiring that federal disability determinations be probative; prohibiting state agencies and municipalities from reconsidering a veteran's disability determination; modifying the definition of veteran and disabled veteran; clarifying disability evaluations for benefits granted to disabled veterans; clarifying the definition of armed forces; updating the definition of armed forces to include the space force; amending K.S.A. 8-160, 8-243, 8-1324, 21-6630, 39-923, 44-706, 48-3401, 65-1116, 65-1732, 65-2418, 73-201, 73-209, 73-210, 73-230, 73-1209, 73-1210a, 73-1211, 73-1217, 73-1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-1954, 76-1955, 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A. 2023 Supp. 32-934, 48-3407, 48-3408, 48-3601, 50-676, 65-6129, 74-2012, 75-3740, 77-440 and 79-4502 and repealing the existing sections; also repealing K.S.A. 73-1208d, 73-1208e and 73-1208f.

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

New Section 1. (a) The Kansas commission on veterans affairs office and the office of the director of the Kansas commission on veterans affairs office that were created by K.S.A. 73-1208e, and amendments thereto, are hereby abolished.

(b) All powers, duties and functions of the Kansas commission on veterans affairs office and the director of the Kansas commission on veterans affairs office under K.S.A. 73-1208e and 73-1208f, and amendments thereto, are hereby transferred and imposed upon the Kansas office of veterans services and the director of the Kansas office of veterans services.

(c) The Kansas commission on veterans affairs office, as established by K.S.A. 73-1208e, and amendments thereto, is hereby renamed the Kansas office of veterans services and the director of the Kansas commission on veterans affairs is renamed the director of the Kansas office of veterans services.

(d) Whenever the Kansas commission on veterans affairs office, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas commission on veterans affairs office, such reference or designation shall be deemed to apply to the Kansas office of veterans services.

(e) Whenever the director of the Kansas commission on veterans affairs office, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the director of the Kansas commission on veterans affairs office, such reference or designation shall be deemed to apply to the director of the Kansas office of veterans services.

(f) All rules and regulations, orders and directives of the director of Kansas commission on veterans affairs office that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the director of the Kansas office of veterans services until amended, revoked or nullified pursuant to law.

New Sec. 2. (a) There is hereby established within the executive branch of government the Kansas office of veterans services, which shall be administered under the direction and supervision of the director of the Kansas office of veterans services. The director of the Kansas office of veterans services, 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 office of veterans services 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 office of veterans services 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 office of veterans services, shall be administered under the direction and supervision of the director of the Kansas office of veterans services.

(c) All vouchers for expenditures from appropriations to or for the Kansas office of veterans services shall be approved by the director of the Kansas office of veterans services 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 office of veterans services, and the office is subject to audit, review and evaluation under such law.

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

New Sec. 4. (a) As used in this section:

(1) "Service-connected disability" means, regarding disability or death, that such disability was incurred or aggravated, or that such death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service; and

(2) "veteran" means a person who served in the active military, naval, air or space service and was discharged or released therefrom under conditions other than dishonorable.

(b) No state agency or municipality, as defined in K.S.A. 12-105a, and amendments thereto, shall request or demand any other document or improvise an authentication procedure to determine eligibility for any benefit derived from a service-connected disability suffered by a Kansas veteran, except the following:

(1) A United States passport as defined in 22 C.F.R. 53.1;

(2) an unexpired real I.D. state driver's license as defined in 6 C.F.R. 37;

(3) a veterans health identity card issued by the United States department of veterans affairs;

(4) a veterans identification card issued under the authority of 38 U.S.C. § 5706;

(5) a common access card issued by the United States department of defense; or

(6) any department of defense identity cards listed in 32 C.F.R. 161(b).

New Sec. 5. (a) As used in this section:

(1) "Non-service-connected" means, regarding disability or death, that such disability was not incurred or aggravated, or that death did not result from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service.

(2) "Service-connected" means, regarding disability or death, that such disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service.

(3) "Veteran" means a person who served in the active military, naval, air or space service, including those groups and individuals listed under 38 C.F.R. 3.7, and who was discharged or released therefrom

under conditions other than dishonorable.

(b) Findings of a service-connected disability or death by federal officials shall be probative. State agencies and municipalities, as defined in K.S.A. 12-105a, and amendments thereto, shall not:

(1) Request or demand a veteran's private health information for the purpose of determining eligibility for service-connected or non-service-connected disability benefits;

(2) reconsider disability determinations made by:

(A) The secretary of the army, with respect to matters concerning the army;

(B) the secretary of the navy, with respect to matters concerning the navy and the marine corps;

(C) the secretary of the air force, with respect to matters concerning the air force or the space force;

(D) the secretary of homeland security, with respect to matters concerning the coast guard;

(E) the secretary of health and human services, with respect to matters concerning the public health service; and

(F) the secretary of commerce, with respect to matters concerning the national oceanic and atmospheric administration or its predecessor, the coast and geodetic survey;

(3) reconsider the disability determinations made under the authority of a secretary defined in subsection (b)(2) or the secretary of veterans affairs; or

(4) request or demand a veteran voluntarily seek a re-evaluation of such veteran's existing service-connected disability claim.

(c) A veteran or such veteran's surviving family members may be asked to document such veteran's service-connected status regarding the disability or death of such veteran or service member with:

(1) A department of veterans affairs benefits summary letter with service-connected disability marked "yes";

(2) a military service physical evaluation board document, issued under the authority of 10 U.S.C. § 1222(a), with the finding of "unfit for duty"; or

(3) a posthumous purple heart decoration, a military posthumous award citation, military orders or official casualty notification correspondence from the department of defense.

(d) A veteran's percentage of disability evaluation finding shall be disclosed by such veteran or such veteran's family members if germane to the Kansas statutory limitation in question.

Sec. 6. K.S.A. 8-160 is hereby amended to read as follows: 8-160. As used in this act, ~~the term~~ "disabled veteran" means a person who ~~has~~:

~~(a) Served in the armed forces of the United States and who is entitled to compensation for a service-connected disability of at least 50% and the laws administered by the veterans administration or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;~~

~~(b) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and~~

~~(c) has a service-connected evaluation percentage equal to or greater than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

Sec. 7. K.S.A. 8-243 is hereby amended to read as follows: 8-243.

(a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver's license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles ~~which~~ that the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description

of the licensee, either: (1) A digital color image or photograph; or (2) a laser engraved photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver's license shall be valid until it has been signed by the licensee. All drivers' licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers' licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers' licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver's license issued by the division shall be valid until either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee has been taken and verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than \$8 and upon the payment of such fee, the division shall cause either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee. A driver's license ~~which~~ *that* does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers' licenses and identification cards.

(b) A Kansas driver's license issued to any person 16 years of age or older who indicated on the person's application that the person wished to make a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the licensee's driver's license.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver's license which is readily distinguishable from drivers' licenses issued to other drivers and upon such request the division shall issue such license. Drivers' licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers' licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division's verification of the information and production of a driver's license.

(d) A driver's license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

(e) (1) Any person who is a veteran may request that the division issue to such person a driver's license ~~which~~ *that* shall include the designation "VETERAN" displayed on the front of the driver's license at a location to be determined by the secretary of revenue. In order to receive a license described in this subsection, the veteran ~~must~~ *shall* provide ~~proof of the veteran's military service and honorable discharge or general discharge under honorable conditions, including~~ a copy of the veteran's ~~DD214 form~~ *DD form 214, NGB form 22* or equivalent

discharge document showing character of service as honorable or general under honorable conditions.

(2) As used in this subsection, "veteran" means a person who:

~~(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and~~

~~(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.~~

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(f) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a driver's license, that shall note such impairment on the driver's license at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

Sec. 8. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) (1) Each application for an identification card shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2014, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)(B), and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions:

~~(A)(1)~~ A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the

applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year;

~~(B)~~(2) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires;

~~(C)~~(3) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and

~~(D)~~(4) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of K.S.A. 8-1002(e), and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if *the person*:

(1) ~~The person~~ Owns, leases or rents a place of domicile in this state;

(2) ~~the person~~ engages in a trade, business or profession in this state;

(3) ~~the person~~ is registered to vote in this state;

(4) ~~the person~~ enrolls the person's child in a school in this state; or

(5) ~~the person~~ registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's identification card by either:

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the licensee.

(k) (1) Any person who is a veteran may request that the division issue to such person a nondriver identification card ~~which that~~ shall include the designation "VETERAN" displayed on the front of the nondriver identification card at a location to be determined by the secretary of revenue. In order to receive a nondriver identification card described in this subsection, the veteran ~~must~~ *shall* provide ~~proof of the veteran's military service and honorable discharge or general discharge under honorable conditions, including a copy of the veteran's DD214 form DD form 214, NGB form 22 or equivalent discharge document showing character of service as honorable or general under honorable conditions.~~

(2) As used in this subsection, "veteran" means a person who:

~~(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and~~

~~(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.~~

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(l) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(m) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, either:

(1) A digital color image or photograph; or

(2) a laser engraved photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card ~~which that~~ does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto.

(n) An identification card issued to any person who indicated on the application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word "Donor" placed on the front of the applicant's identification card.

(o) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a nondriver identification card, that shall note such impairment on the nondriver identification card at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

~~(p)~~ (t) The secretary of revenue shall permit an electronic online renewal of an identification card if the electronic online renewal applicant previously provided documentation of identity, lawful presence and residence to the division for electronic scanning. For purposes of this subsection, the division may rely on the division's most

recent, existing color digital image and signature image of the applicant for the nondriver's identification card if the division has such images on file. The determination on whether an electronic online renewal application or equivalent of a nondriver's identification card is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a nondriver's identification card through an electronic online or equivalent process if the identification card has been previously renewed through an electronic online application in the immediately preceding card's expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

~~(2) Prior to February 1, 2023, the division shall report to the house of representatives and the senate committees on transportation regarding the online renewal process of this subsection and the effects of implementing such process.~~

Sec. 9. K.S.A. 21-6630 is hereby amended to read as follows: 21-6630. (a) Upon motion of the defendant at the time of conviction or prior to sentencing, a defendant convicted of a criminal offense may assert that such defendant committed such offense as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone in the armed forces of the United States of America. The court shall hold a hearing to determine whether the defendant:

(1) Has served in the armed forces of the United States of America in a combat zone, as defined in section 112 of the federal internal revenue code of 1986. Proof of such service shall consist of a certification by the ~~executive~~ director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* in accordance with K.S.A. 73-1209, and amendments thereto;

(2) suffers from injury; and

(3) such injury was connected to service in a combat zone in the armed forces of the United States of America.

(b) (1) Except as provided in subsection (b)(2), if the court determines that such defendant meets the criteria provided in subsection (a) and such defendant's current crime of conviction and criminal history fall within a presumptive nonprison category under the sentencing guidelines, the court may order such defendant to undergo inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard, if the defendant is eligible for and consents to such treatment.

(2) If the court determines that such defendant meets the criteria provided in subsection (a), such defendant is ineligible for treatment pursuant to subsection (b)(1) and such defendant meets the requirements established in K.S.A. 21-6824, and amendments thereto, the provisions of K.S.A. 21-6824, and amendments thereto, shall apply.

(c) Nothing in this section shall be construed to limit the court's authority to:

(1) Order any other sanction pursuant to K.S.A. 21-6602 or 21-6604, and amendments thereto;

(2) order a mental examination pursuant to K.S.A. 22-3429, and amendments thereto;

(3) order commitment pursuant to K.S.A. 22-3430 et seq., and amendments thereto; or

(4) determine that a person is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto.

(d) As used in this section:

(1) "Major depressive disorder" and "post-traumatic stress disorder" mean the same as such terms are defined in the diagnostic and statistical manual of mental disorders, fifth edition (DSM-5, 2013), of the American psychiatric association and that occurred as a result of events during the defendant's service in one or more combat zones.

(2) "Polytrauma" means injury to multiple body parts and organ systems that occurred as a result of events during the defendant's service in one or more combat zones.

(3) "Traumatic brain injury" means injury to the brain caused by physical trauma that occurred as a result of events during the defendant's service in one or more combat zones.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 10. K.S.A. 2023 Supp. 32-934 is hereby amended to read as follows: 32-934. (a) Subject to the provisions of K.S.A. 32-920, and amendments thereto, the secretary of wildlife and parks or the secretary's designee shall issue, free of charge, a permanent license to hunt and fish to any person residing in the state who submits to the secretary satisfactory proof that the person is a disabled veteran. Any such person hunting or fishing in this state shall be subject to the provisions of all rules and regulations relating to hunting or fishing.

(b) As used in this section, "disabled veteran" means a person who:

(1) ~~Was a member of the armed services~~ *Served in the active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;*

(2) ~~has separated from the armed services under honorable conditions~~ *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(3) ~~has a disability certified by the Kansas commission on veterans affairs office as being service-connected and such service-connected disability is evaluation percentage equal to or greater than 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

Sec. 11. K.S.A. 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 healthcare 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 for aging and disability services.

(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 healthcare 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 healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare 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 for children and families, 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 residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. 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 that 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, sublease, 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 that hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

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

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

(19) "Apartment" means a private unit that 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 that 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 registered pursuant to the operator registration act, K.S.A. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities 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 healthcare 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 42 C.F.R. § 483.35(h), 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.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) "Insolvent" means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) ~~The term~~ "Adult care home" does not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices that are certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq., and that provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare 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 healthcare shall have the option of licensing for residential healthcare 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 that 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. 12. K.S.A. 44-706 is hereby amended to read as follows: 44-706. The secretary shall examine whether an individual has separated from employment for each week claimed. The secretary shall apply the provisions of this section to the individual's most recent employment prior to the week claimed. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing healthcare provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular

work or comparable and suitable work was not available. As used in this paragraph "healthcare provider" means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to ~~enlist~~ *enter active service* in the armed forces of the United States; but was rejected or delayed from entry;

(4) The spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, ~~which that~~ is for the same employer or for a different employer, at a geographic location ~~which that~~ makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision ~~the term~~ "*member of the armed forces*" means ~~active duty~~ *a person performing active service* in the army, navy, marine corps, air force, *space force*, coast guard or any ~~branch~~ *component* of the military reserves of the United States;

(5) the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties ~~which that~~ is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such

agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment;

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence;

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency ~~which~~ that provides support services or shelter to victims of domestic violence; or

(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations ~~which~~ that may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction;

(ii) a police record documenting the abuse;

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the victim was a family or household member;

(iv) medical documentation of the abuse;

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged or suspended for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and in cases where the disqualification is due to discharge for misconduct has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) ~~For the purposes of this~~ *As used in this subsection, "misconduct" is defined as means* a violation of a duty or obligation reasonably owed the employer as a condition of employment including, but not limited to, a violation of a company rule, including a safety

rule, if: (A) The individual knew or should have known about the rule; (B) the rule was lawful and reasonably related to the job; and (C) the rule was fairly and consistently enforced.

(2) (A) Failure of the employee to notify the employer of an absence and an individual's leaving work prior to the end of such individual's assigned work period without permission shall be considered prima facie evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but not be limited to, violation of the employer's reasonable attendance expectations if the facts show:

- (i) The individual was absent or tardy without good cause;
- (ii) the individual had knowledge of the employer's attendance expectation; and
- (iii) the employer gave notice to the individual that future absence or tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being absent or tardy without good cause, the employee shall present evidence that a majority of the employee's absences or tardiness were for good cause. If the employee alleges that the employee's repeated absences or tardiness were the result of health related issues, such evidence shall include documentation from a licensed and practicing healthcare provider as defined in subsection (a)(1).

(3) (A) The term "gross misconduct" as used in this subsection shall be construed to mean conduct evincing extreme, willful or wanton misconduct as defined by this subsection. Gross misconduct shall include, but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to property; (iv) intentional infliction of personal injury; or (v) any conduct that constitutes a felony.

(B) For the purposes of this subsection, the following shall be conclusive evidence of gross misconduct:

- (i) The use of alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
- (ii) the impairment caused by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
- (iii) a positive breath alcohol test or a positive chemical test, ~~provided if:~~

- (a) The test was either:
 - (1) Required by law and was administered pursuant to the drug free workplace act, 41 U.S.C. § 701 et seq.;
 - (2) administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;
 - (3) requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;
 - (4) required by law and the test constituted a required condition of employment for the individual's job; or
 - (5) there was reasonable suspicion to believe that the individual used, had possession of, or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;
- (b) the test sample was collected either:
 - (1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et seq.;
 - (2) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;
 - (3) as prescribed by the written policy of the employer of which the employee had knowledge and ~~which that~~ constituted a required condition of employment;
 - (4) as prescribed by a test ~~which that~~ was required by law and which constituted a required condition of employment for the individual's job; or

(5) at a time contemporaneous with the events establishing probable cause;

(c) the collecting and labeling of a chemical test sample was performed by a licensed health care professional or any other individual certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;

(d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(e) the chemical test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a breath alcohol test;

(f) the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to a description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(g) the foundation evidence establishes, beyond a reasonable doubt, that the test results were from the sample taken from the individual;

(iv) an individual's refusal to submit to a chemical test or breath alcohol test, ~~provided if:~~

(a) The test meets the standards of the drug free workplace act, 41 U.S.C. § 701 et seq.;

(b) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(c) the test was otherwise required by law and the test constituted a required condition of employment for the individual's job;

(d) the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment; or

(e) there was reasonable suspicion to believe that the individual used, possessed or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working; *and*

(v) an individual's dilution or other tampering of a chemical test.

(C) For purposes of this subsection:

(i) "Alcohol concentration" means the number of grams of alcohol per 210 liters of breath;

(ii) "alcoholic liquor" means the same as ~~provided defined~~ in K.S.A. 41-102, and amendments thereto;

(iii) "cereal malt beverage" means the same as ~~provided defined~~ in K.S.A. 41-2701, and amendments thereto;

(iv) "chemical test" includes, but is not limited to, tests of urine, blood or saliva;

(v) "controlled substance" means the same as ~~provided defined~~ in K.S.A. 21-5701, and amendments thereto;

(vi) "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in an open meeting by the governing body of any special district or other local governmental entity;

(vii) "positive breath test" means a test result showing an alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if applicable, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" ~~shall mean~~ *means* a

test result showing an alcohol concentration at or above the levels provided for in the assistance or treatment program; *and*

(viii) "positive chemical test" means a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or abuse listed therein, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" means a chemical result showing a concentration at or above the levels provided for in the assistance or treatment program.

(4) An individual shall not be disqualified under this subsection if the individual is discharged under the following circumstances:

(A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future intent to quit, except that the individual shall be disqualified after the time ~~at which~~ *that* such individual intended to quit and any individual who commits misconduct after such individual gives notice to such individual's intent to quit shall be disqualified;

(B) the individual was making a ~~good-faith~~ *good faith* effort to do the assigned work but was discharged due to:

- (i) Inefficiency;
- (ii) unsatisfactory performance due to inability, incapacity or lack of training or experience;
- (iii) isolated instances of ordinary negligence or inadvertence;
- (iv) ~~good-faith~~ *good faith* errors in judgment or discretion; or
- (v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably ~~fitted~~ *fit* by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor

organization; and

(4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work ~~which~~ *that* exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which the individual is or was last employed, except that this subsection (d) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that:

(1) The individual is not participating in or financing or directly interested in the labor dispute ~~which~~ *that* caused the stoppage of work; and

(2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises ~~at which~~ *where* the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work ~~which~~ *that* are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection be deemed to be a separate factory, establishment or other premises. For the purposes of this subsection, failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week ~~with respect to which~~ or a part of *the week in* which the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week ~~with respect to~~ *in* which the individual is entitled to receive any unemployment allowance or compensation granted by the United States under an act of congress ~~to ex-service men and women former members of the armed forces~~ in recognition of former service with the military ~~or~~, naval, *air or space* services of the United States.

(g) If the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor, unless the individual has repaid the full amount of the overpayment as determined by the secretary or the secretary's designee, including, but not limited to, the total amount of money erroneously paid as benefits or unlawfully obtained, interest, penalties and any other costs or fees provided by law. If the individual has made such repayment, the individual shall be disqualified for a period of one year for the first occurrence or five years for any subsequent occurrence, beginning with the first day following the date the department of labor confirmed the individual has successfully repaid the full amount of the overpayment. In addition to the penalties set forth in K.S.A. 44-719, and amendments thereto, an individual who has knowingly made a false statement or representation or who has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor shall be liable

for a penalty in the amount equal to 25% of the amount of benefits unlawfully received. Notwithstanding any other provision of law, such penalty shall be deposited into the employment security trust fund. No person who is a victim of identity theft shall be subject to the provisions of this subsection. The secretary shall investigate all cases of an alleged false statement or representation or failure to disclose a material fact to ensure no victim of identity theft is disqualified, required to repay or subject to any penalty as provided by this subsection as a result of identity theft.

(h) For any week ~~with respect to~~ *in* which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the individual under this subsection and the individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and ~~for which~~ *such* benefits were denied solely by reason of this subsection.

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, ~~substantially all of which consist~~ *consisting* of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the federal immigration and

nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that:

(1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced, but not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment ~~which~~ *that* is attributable to such week; or

(2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced, but not below zero, by the prorated weekly amount of the pension, retirement or retired pay, annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or

(3) if the entire contributions to the plan were provided by such individual, or by the individual and an employer, or any person or organization, who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection; or

(4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection. No reduction shall be made for payments made under the social security act or railroad retirement act of 1974.

(o) For any week of unemployment on the basis of services performed in any capacity and under any of the circumstances described in subsection (i), (j) or (k) that an individual performed in an educational institution while in the employ of an educational service agency. For the purposes of this subsection, the term "educational service agency" means a governmental agency or entity ~~which~~ *that* is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(p) For any week of unemployment on the basis of service as a school bus or other motor vehicle driver employed by a private contractor to transport pupils, students and school personnel to or from school-related functions or activities for an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity with a private contractor for any educational institution for both such academic years or both such terms. An individual shall not be disqualified for benefits as provided in this subsection for any week of unemployment on the basis of service as a bus or other motor vehicle driver employed by a private contractor to transport persons to or from

nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services performed by the individual in any capacity and under any of the circumstances described in subsection (i), (j), (k) or (o) ~~which that~~ are provided to or on behalf of an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, while the individual is in the employ of an employer ~~which that~~ is a governmental entity, Indian tribe or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 ~~which that~~ is exempt from income under section 501(a) of the code.

(r) For any week in which an individual is registered at and attending an established school, training facility or other educational institution, or is on vacation during or between two successive academic years or terms. An individual shall not be disqualified for benefits as provided in this subsection ~~provided if~~:

(1) The individual was engaged in full-time employment concurrent with the individual's school attendance;

(2) the individual is attending approved training as defined in K.S.A. 44-703(s), and amendments thereto; or

(3) the individual is attending evening, weekend or limited day time classes, ~~which that~~ would not affect availability for work, and is otherwise eligible under K.S.A. 44-705(c), and amendments thereto.

(s) For any week ~~with respect to~~ in which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks ~~in~~ for which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717, and amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of labor, secretary of commerce or secretary for children and families, and a job skills program approved by the secretary of labor, secretary of commerce or the secretary for children and families. Subject to applicable federal laws, any applicant for or recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a recipient of unemployment benefits shall be terminated from receiving

unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto, was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

(v) Notwithstanding the provisions of any subsection, an individual shall not be disqualified for such week of part-time employment in a substitute capacity for an educational institution if such individual's most recent employment prior to the individual's benefit year begin date was for a non-educational institution and such individual demonstrates application for work in such individual's customary occupation or for work for which the individual is reasonably ~~fitted~~ *fit* by training or experience.

Sec. 13. K.S.A. 48-3401 is hereby amended to read as follows: 48-3401. As used in K.S.A. 48-3401 through 48-3405 ~~of this act, and amendments thereto:~~

(a) "~~Military~~ *Active service*" means *service on active duty performed by a licensee in who is a member of the army, navy, marine corps, air force, space force, air or army national guard of any of the several states and territories, Puerto Rico and the District of Columbia, coast guard or any ~~branch~~ component of the military reserves of the United States.*

(b) "License" means any permit, certificate, authority, privilege or registration whether temporary or permanent issued, granted or made by the state of Kansas or any officer, board, department or commission or agency thereof authorizing a person to engage in or practice an occupation or profession in this state.

(c) "Licensee" means a person who had, at the time of commencing a period of military service, a valid, existing license to engage in or practice an occupation or profession in this state. "Licensee" also means a person who, while ~~in military performing active service~~, obtains a valid license to engage in or practice an occupation or profession in this state.

Sec. 14. K.S.A. 2023 Supp. 48-3407 is hereby amended to read as follows: 48-3407. (a) ~~For the purposes of~~ *As used in this section:*

(1) "Applicant" means a person who entered into ~~military active service~~ and separated from such ~~military active service~~ with an honorable discharge or a general discharge under honorable conditions;

(2) "licensing body" ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-146, and amendments thereto, except for licensing boards under K.S.A. 65-1116 and 65-6129, and amendments thereto; and*

(3) "~~military active service~~" means *service on active duty performed by a member of the army, navy, marine corps, air force, space force, air or army national guard of any ~~state~~ of the several states and territories, Puerto Rico and the District of Columbia, coast guard or any ~~branch~~ component of the military reserves of the United States.*

(b) (1) Notwithstanding any other provision of law, upon presentation of a completed application by an applicant with an honorable discharge for certification or licensure, a licensing body shall accept education, training or service completed in ~~military active service~~ by the applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to

the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.

(2) A licensing board under this section may accept education, training or service completed in ~~military~~ *active* service towards any educational requirements for certification or licensure in this state if an applicant was separated from ~~military service~~ *the armed forces* with a general discharge under honorable conditions.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 15. K.S.A. 2023 Supp. 48-3408 is hereby amended to read as follows: 48-3408. (a) ~~For the purposes of~~ *As used in* this section:

(1) "Accreditation" ~~has the meaning ascribed thereto~~ *means the same as defined* in K.S.A. 74-32,163, and amendments thereto;

(2) "accredited educational institution" means an educational institution that has achieved and maintained accreditation;

(3) "applicant" means a person who entered into ~~military~~ *active* service and separated from such ~~military service~~ *the armed forces* under conditions other than dishonorable;

(4) "community college" means any community college established under the laws of this state;

(5) "distance education course" means a course consisting solely or primarily of instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media;

(6) "educational institution" means any postsecondary educational institution, private postsecondary educational institution and out-of-state postsecondary educational institution;

(7) "institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university;

(8) "licensing body" ~~has the meaning ascribed thereto~~ *means the same as defined* in K.S.A. 74-146, and amendments thereto;

(9) "~~military~~*active* service" means *service on active duty performed by a member of* the army, navy, marine corps, air force, space force, air or army national guard of any ~~state~~ *of the several states and territories, Puerto Rico and the District of Columbia*, coast guard or any ~~branch~~ *component* of the military reserves of the United States;

(10) "municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state;

(11) "out-of-state postsecondary educational institution" ~~has the meaning ascribed thereto~~ *means the same as defined* in K.S.A. 74-32,163, and amendments thereto;

(12) "postsecondary educational institution" means any state educational institution, municipal university, community college, technical college and institute of technology, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions;

(13) "private postsecondary educational institution" ~~has the meaning ascribed thereto~~ *means the same as defined* in K.S.A. 74-32,163, and amendments thereto;

(14) "state educational institution" means ~~any state educational institution~~, *the same as defined* in K.S.A. 76-711, and amendments thereto; and

(15) "technical college" means any technical college established under the laws of this state.

(b) Notwithstanding any other provision of law, a licensing body may authorize any educational requirements for certification or licensure in this state to be waived if an applicant provides satisfactory evidence of completion of a distance education course. To qualify for such a waiver, the distance education course must be:

- (1) Provided by an accredited educational institution; and
- (2) substantially equivalent to the educational standards required for certification or licensure in this state.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 16. K.S.A. 2023 Supp. 48-3601 is hereby amended to read as follows: 48-3601. (a) A current member of the armed forces of the United States or the member's spouse or dependent child who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of the state for the purpose of tuition and fees for attendance at such postsecondary educational institution.

(b) A person is entitled to pay tuition and fees at an institution of higher education at the rates provided for Kansas residents without regard to the length of time the person has resided in the state if the person:

(1) (A) Files a letter of intent to establish residence in the state with the postsecondary educational institution at which the person intends to register;

(B) lives in the state while attending the postsecondary educational institution; and

(C) is eligible for benefits under the federal post-9/11 veterans educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other federal law authorizing educational benefits for veterans;

(2) (A) is a veteran;

(B) was stationed in Kansas for at least 11 months during *active* service in the armed forces or had established residency in Kansas prior to *active* service in the armed forces; and

(C) lives in Kansas at the time of enrollment; or

(3) (A) is the spouse or dependent of a veteran who was stationed in Kansas for at least 11 months during such veteran's *period of active* service in the armed forces or had established residency in Kansas prior to *active* service in the armed forces; and

(B) lives in Kansas at the time of enrollment.

(c) As used in this section:

(1) "Armed forces" means the army, navy, marine corps, air force, *space force*, coast guard, Kansas army or air national guard or any ~~branch~~ *component* of the military reserves of the United States;

(2) "postsecondary educational institution" means the same as ~~provided~~ *defined* in K.S.A. 74-3201b, and amendments thereto; and

(3) "veteran" means a person who ~~has been separated from the armed forces and was honorably discharged or received a general discharge under honorable conditions~~ *served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.*

(d) This section shall be a part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 17. K.S.A. 2023 Supp. 50-676 is hereby amended to read as follows: 50-676. As used in K.S.A. 50-676 through 50-679, and amendments thereto:

(a) "Elder person" means a person who is 60 years of age or older.

(b) "Disabled person" means a person who has physical or mental impairment, or both, that substantially limits one or more of such person's major life activities.

(c) "Immediate family member" means parent, child, stepchild or

spouse.

(d) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(e) "Member of the ~~military armed forces~~" means ~~a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard~~ *person performing active service in the army, navy, marine corps, air force, space force, coast guard or any component of the military reserves of the United States.*

(f) "Physical or mental impairment" means the following:

(1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

- (A) Neurological;
- (B) musculoskeletal;
- (C) special sense organs;
- (D) respiratory, including speech organs;
- (E) cardiovascular;
- (F) reproductive;
- (G) digestive;
- (H) genitourinary;
- (I) hemic and lymphatic;
- (J) skin; or
- (K) endocrine; or

(2) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, orthopedic, visual, language and hearing disorders, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability and emotional illness.

(g) "Protected consumer" means:

- (1) An elder person;
- (2) a disabled person;
- (3) a veteran;
- (4) the surviving spouse of a veteran;
- (5) a member of the ~~military armed forces~~; and
- (6) an immediate family member of a member of the ~~military armed forces~~.

(h) "Substantially limits" means:

(1) Unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. Minor temporary ailments or injuries shall not be considered physical or mental impairments that substantially limit a person's major life activities. Minor temporary ailments include, but are not limited to, colds, influenza or sprains or minor injuries.

(i) "Veteran" means a person who ~~has served in the armed forces of the United States and separated from the armed forces under honorable conditions~~ *active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.*

Sec. 18. K.S.A. 65-1116 is hereby amended to read as follows: 65-1116. (a) *Qualification.* An applicant for a license to practice as a licensed practical nurse shall:

- (1) Have graduated from an approved school of practical nursing or professional nursing in the United States or its territories or from a school of practical nursing or professional nursing in a foreign country ~~which~~ *that* is approved by the board as defined in rules and regulations;
- (2) have obtained other qualifications not in conflict with this act

as the board may prescribe by rule and regulation; and

(3) file with the board a written application for a license.

(b) If the board finds in evaluating any applicant that such applicant is deficient in qualification or in the quality of such applicant's educational experience, the board may require such applicant to fulfill such remedial or other requirements as the board may prescribe.

(c) *License.* (1) The board shall issue a license to an applicant to practice as a practical nurse who has:

(A) Met the qualifications set forth in subsections (a) and (b);

(B) passed a written examination as prescribed by the board; and

(C) no disqualifying factors under K.S.A. 65-1120, and amendments thereto.

(2) The board may issue a license to practice nursing as a practical nurse to an applicant who has been duly licensed as a practical nurse by examination under the laws of another state or territory if, in the opinion of the board, the applicant meets the qualifications required of a practical nurse in this state. Verification of the applicant's licensure status shall be required from the original state of licensure.

(3) The board may authorize the educational requirement under subsection (a)(1) to be waived for an applicant who has attained a passing score on the national council licensure examination for practical nurses and provided evidence to the board of such applicant's practical nursing experience ~~with the military~~ *during a period of active service as a member of the armed forces*. To qualify for such a waiver, the applicant ~~must~~ *shall* have been a member *or is a current member* of the army, navy, marine corps, air force, *space force*, air or army national guard *of any of the several states and territories, Puerto Rico and the District of Columbia*, coast guard or any ~~branch~~ *component* of the military reserves of the United States; and separated from such ~~military~~ *period of active service* with an honorable discharge. *Current members of the armed forces are presumed to be serving honorably*. If such applicant was separated from such ~~military~~ *period of active service* with a general discharge under honorable conditions and meets the requirements of this paragraph, the board may authorize the educational requirements under subsection (a)(1) be waived.

(4) *Refresher course.* Notwithstanding the provisions of subsections (a) and (b), an applicant for a license to practice as a licensed practical nurse who has not been licensed to practice practical nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board.

(5) *Renewal license.* A licensed practical nurse licensed under this act shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117, and amendments thereto.

(6) *Licensure examination within 24 months of graduation.* (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B) Persons who are unsuccessful in passing the licensure examination within 24 months after graduation shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination a subsequent time. The study plan shall contain subjects related to deficiencies identified on the failed examination profiles.

(7) An application for initial licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(d) *Title and abbreviation.* Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title, "licensed practical nurse," and the abbreviation, "L.P.N." No other person shall assume the title or use the abbreviation or any

other words, letters, signs or figures to indicate that the person is a licensed practical nurse.

(e) *Temporary permit.* The board may issue a temporary permit to practice nursing as a licensed practical nurse for a period not to exceed 120 days. A temporary permit for 120 days may be issued to an applicant for licensure as a licensed practical nurse who is a graduate of a practical school of nursing in a foreign country after verification of licensure in that foreign country and approval of educational credentials.

(f) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in the practice of practical nursing in Kansas but volunteers practical nursing service or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt licensee shall be subject to all provisions of the nurse practice act, except as otherwise provided in this subsection—(f). Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing nursing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (c) or K.S.A. 65-1117, and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

Sec. 19. K.S.A. 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 of veterans services* 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 of veterans services, 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 *such individual*:

- (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. 20. K.S.A. 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. 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~~ office of veterans services that 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. 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. 21. K.S.A. 2023 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an emergency medical service provider certificate shall be made to the board. The board shall not grant an emergency medical service provider certificate unless the applicant meets the following requirements:

(A) (i) Has successfully completed coursework required by the rules and regulations adopted by the board;

(ii) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; or

(iii) has provided evidence that such applicant holds a current and active certification with the national registry of emergency medical technicians, completed emergency medical technician training as a member of the army, navy, marine corps, air force, *space force*, air or army national guard *of any of the several states and territories, Puerto Rico and the District of Columbia*, coast guard or any ~~branch~~ *component* of the military reserves of the United States that is substantially equivalent to that required by the rules and regulations adopted by the board, and such applicant separated from such ~~military~~ *period of active service as a member of the armed forces* with an

honorable discharge. *Applicants currently performing active service as a member of the armed forces are presumed to be serving honorably;*

(B) (i) has passed the examination required by the rules and regulations adopted by the board; or

(ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and

(C) has paid an application fee required by the rules and regulations adopted by the board.

(2) The board may grant an emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such ~~military~~ *period of active service as a member of the armed forces* with a general discharge under honorable conditions.

(b) (1) The emergency medical services board may require an original applicant for certification as an emergency medical services provider to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The emergency medical services board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The emergency medical services board may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the applicant to be issued or to maintain a certificate.

(2) Local and state law enforcement officers and agencies shall assist the emergency medical services board in taking the fingerprints of applicants for license, registration, permit or certificate. The Kansas bureau of investigation shall release all records of adult convictions, nonconvictions or adjudications in this state and any other state or country to the emergency medical services board.

(3) The emergency medical services board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board shall remit all moneys received from the fees established by this section 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 emergency medical services criminal history and fingerprinting fund.

(4) There is hereby created in the state treasury the emergency medical services criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board. The fund shall be administered by the emergency medical services board. All expenditures from the 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 chairperson of the emergency medical services board or the chairperson's designee.

(c) The board shall not grant an initial advanced emergency medical technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, ~~unless~~ *except if* the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An emergency medical service provider certificate shall expire on the date prescribed by the board. An emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the emergency medical service provider has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section 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 emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an emergency medical service provider applies for an emergency medical service provider's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, that shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 22. K.S.A. 73-201 is hereby amended to read as follows: 73-201. (a) As used in this act:

(1) "Veteran" means:

~~(A) Any person who entered the armed forces before October 15, 1976, and separated from the armed forces under honorable conditions, if such person served:~~

~~(i) On active duty during any war (the official dates for war service are April 6, 1917 through July 2, 1921, and December 7, 1941 through April 28, 1952);~~

~~(ii) during the period April 28, 1952 through July 1, 1955;~~

~~(iii) in any campaign or expedition for which a campaign badge or service medal has been authorized; or~~

~~(iv) for more than 180 consecutive days since January 31, 1955, but before October 15, 1976, excluding an initial period of active duty for training under the "six-month" reserve or national guard program;~~

~~(B) any person who entered the armed forces on or after October 15, 1976, and separated from the armed forces under honorable conditions, if such person was awarded a service medal or campaign badge A person who served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;~~

~~(C) any person who separated from the armed forces under honorable conditions and has a disability certified by the United States department of veterans affairs as being service-connected, has been issued the purple heart by the United States government or has been released from active service with a service-connected disability who:~~

~~(1) Served in the active military, naval, air or space service and who was discharged therefrom under an honorable discharge or a general discharge under honorable conditions;~~

~~(2) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and~~

~~(3) has a disability certified by the Kansas commission on veterans affairs office as being service-connected, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.;~~

~~(D) the spouse of a service-connected disabled veteran who has a 100% service-connected disability as determined by the United States department of veteran affairs with a permanent and total combined service-connected evaluation percentage of 100%;~~

~~(E) the unmarried surviving spouse of a veteran who died while, and as a result of, serving in armed forces in the line of duty in the active military, naval, air or space service; and~~

~~(F) the spouse of a prisoner of war, as defined by K.S.A. 75-4364, and amendments thereto.~~

~~Notwithstanding the foregoing, the term "Veteran" shall preference in government employment shall not apply to any person who retired~~

from the active military *service* with the pay grade of 04 or above unless the person retired due to wounds received in combat or is a disabled veteran *with a service-connected disability evaluation rating equal to or greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

(2) "Competent" means a good faith determination that the person is likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the ~~decision~~ *determination* is made. The basis for such determination shall include experience, training, education, licensure, certification ~~and/or~~ *or* other factors determined by the decision-making authority as appropriate to determine the applicant's overall qualification and ability to successfully meet the performance standards of the position. The decision-making authority shall document such factors prior to the initiation of the selection process.

(3) "Disabled veteran" means a person who ~~has:~~

(A) ~~Served on in the active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the department of veterans affairs or a military department~~ *military, naval, air or space service and was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;*

(B) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(C) *has a service-connected evaluation percentage, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

(b) In grateful recognition of the services, sacrifices and sufferings of veterans who served in the army, navy, air force, coast guard or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, ~~Viet Nam~~ *Vietnam*, Iraq, Afghanistan or other places under the flags of the United States and the United Nations or under the flag of the United States alone, and have been honorably discharged therefrom, the provisions of this section are enacted.

(c) Veterans shall be preferred for initial employment and first promotion in the state government of Kansas, and in the counties and cities of this state, if competent to perform such services. Any veteran thus preferred shall not be disqualified from holding any position in such service on account of the veteran's age or by reason of any physical or mental disability as long as such age or disability does not render the veteran incompetent to perform the duties of the position applied for. When any veteran shall apply for appointment to any such position, place, or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such *position, place or employment* shall, if the applicant be a veteran of good reputation, and can competently perform the duties of the position applied for by the veteran, consider the veteran for appointment to such position, place, or employment. Within 30 days of filling a position, eligible veterans who have applied and are not hired shall be notified by certified mail or personal service that they are not being hired. Such notice also shall advise the veteran of any administrative appeal available.

(d) The provisions of this act shall not be applicable to any persons classed as conscientious objectors. The provisions of this act shall not be controlling over the provisions of any statute, county resolution or city ordinance relating to retirement; or termination on the basis of age, of employees of the state or any county or city. Whenever under any statute, county resolution or city ordinance, retirement; or termination on the basis of age; of any employee is required at a certain age; or is optional with the employer at a certain age, ~~such provisions~~ *of such statute, resolution or ordinance shall be controlling and shall*

not be limited by this section.

(e) (1) All notices of job openings, if any, and all applications for employment, if any, by the state and any city or county in this state shall state that the job is subject to a veteran's preference, how the preference works and how veterans may take advantage of the preference and post a written statement of:

- (1)(A) The qualifications for such position;
- (2)(B) any preferred qualifications of such position;
- (3)(C) performance standards for the position; and
- (4)(D) the process that will be used for selection.

(2) A veteran, ~~or a veteran's spouse or surviving spouse~~ who qualifies for the veteran's preference, desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's ~~DD214 form or the DD214 form of the veteran~~ *DD form 214, DD form 1300, NGB form 22 or other official discharge document recognized by the department of veterans affairs* under which the spouse qualifies for the preference.

(f) Every employment center of the state and any city or county human resources department, if any, shall openly display documents that indicate that veterans are eligible for a preference in their initial employment and any first promotion within the employment of the governmental entity.

(g) Any veteran who alleges that a state agency, city or county has not provided the veterans preference as required by this act, after exhausting any available administrative remedy, may bring an action in the district court.

Sec. 23. 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 affairs office~~ *which office of veterans services that indicates that the such 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. 24. K.S.A. 73-210 is hereby amended to read as follows: 73-210. (a) 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)(1) 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 affairs office~~ *which office of veterans services that indicates that the such person is applying for benefits from the United States veterans administration and that such person needs the copy to obtain such benefits; and*

~~(b)~~(2) 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. 25. K.S.A. 73-230 is hereby amended to read as follows: 73-230. (a) In awarding any contract for the performance of any job or service for which moneys appropriated are to be expended, the secretary of administration, or the secretary's designee, shall give a preference to disabled veteran businesses doing business as Kansas firms, corporations or individuals, or ~~which~~ *that* maintain Kansas offices or places of business and shall have the goal of awarding at least 3% of all such contracts to disabled veteran businesses.

~~(b) On or before October 1, 2015, the secretary of administration shall file with the Kansas commission on veterans affairs a report of the number of contracts awarded to disabled veteran businesses during the fiscal year ending June 30, 2015, and the number of such businesses that responded to solicitations of bids or proposals issued by the department of administration during such fiscal year.~~

~~(e)~~(b) As used in this section:

(1) "Disabled veteran" means a person who ~~has~~:

~~(A) Served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the veterans administration, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;~~

~~(B) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service;~~

~~(C) has a service-connected evaluation percentage equal to or greater than 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

(2) "Disabled veteran business" means a business: (A) Not less than 51% of which is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock of which is owned by one or more disabled veterans; and (B) the management and daily business operations of which are controlled by one or more disabled veterans.

Sec. 26. K.S.A. 73-1209 is hereby amended to read as follows: 73-1209. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, in accordance with general policies directed by the governor, shall:

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

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

(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 Kansas department for children and families, the department of labor, the state board of education, the board of regents and any other state office, department or board furnishing service to veterans or relatives or dependents of such veterans.

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

(e) Maintain records of cases handled by the director which shall show at least the following information: (1) The name of the veteran; (2) the claim or case number of the veteran; and (3) the 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.

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

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

(h) Provide and maintain such field services as shall be necessary to properly care for the needs of veterans, and relatives and dependents of such veterans, which shall not be operated in connection with the Kansas department for children and families.

(i) Provide certification of service of a veteran of the armed forces of the United States of America in a combat zone to any sentencing judge requesting such certification pursuant to K.S.A. 21-6630, and amendments thereto.

(j) 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.

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

(l) 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.

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

(n) (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 of *veterans services* 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 of *veterans services* 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 of *veterans services* shall submit the report on or before the first day of the legislative session in 2015, and each year thereafter.

Sec. 27. K.S.A. 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 director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall appoint:

(1) Subordinate officers and employees, subject to the approval of the governor, as are necessary to enable the director to exercise or perform 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 the ~~Kansas commission on veterans affairs~~ office of *veterans services* 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 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 of *veterans services*. 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 of *veterans services* 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 of *veterans services*.

(d) (1) Except as otherwise provided by law, and subject to the Kansas civil service act, the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall appoint subordinate officers and employees, a superintendent of the Kansas soldiers' home and a superintendent of the Kansas veterans' home, as shall be necessary to enable the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 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 director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*.

(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 of *veterans services*, 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 of *veterans services*, 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.

(e) Any veterans service representative appointed by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* shall

take a power of attorney in the name of the director of the Kansas ~~commission on veterans affairs~~ office *of veterans services*. 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.

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.

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

Sec. 28. 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 ~~commission on veterans affairs~~ office *of veterans services* 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 ~~commission on veterans affairs~~ office *of veterans services* 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 ~~commission on veterans affairs~~ office *of veterans services*.

Sec. 29. K.S.A. 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 *of veterans services* for reimbursement of the amount of such tuition or fees. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* shall administer this act and qualifications of persons as dependents shall be determined by such director. Such director may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 30. K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. (a) 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 of *veterans services* for reimbursement of the amount of such tuition or fees. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall administer this act and the qualification of persons as dependents shall be determined by such director. Such director may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

(b) *As used in 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 the ~~U.S.~~ *United States* 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. 31. 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) "Director" means the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*.

(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.

(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 served in the active military, naval or air service and who served in such armed forces performed active service~~ 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. 32. K.S.A. 73-1223 is hereby amended to read as follows: 73-1223. (a) There is hereby established with the Kansas ~~commission on veterans affairs~~ office of *veterans services* an advisory board known to be the Persian Gulf War veterans health initiative board. The board shall be advisory to the 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 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, 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 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 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 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 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 areas listed in subsection ~~(b)(3)~~ *(b)(2)* after the initial appointments, the director shall notify one or more professional societies or associations which represent the medical or behavioral science specialty required for the vacant position and request a list of three nominations from that specialty area from which the director shall appoint a successor to the board.

(e) Annually, the board shall elect a chairperson, ~~vice 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 *(b), (c) and (d)*, and amendments thereto.

Sec. 33. 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 of *veterans services* 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 director may prescribe. ~~Within 90 days of the effective date of this act,~~ The director shall appoint a qualified individual to this position.

Sec. 34. 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 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 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 of *veterans services* or the director's designee.

Sec. 35. K.S.A. 73-1232 is hereby amended to read as follows: 73-1232. (a) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* is hereby authorized to establish and maintain a state system of veterans cemeteries. For the purposes of such system, the 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 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 director may enter into contracts for the purpose of establishing and maintaining the system of veterans cemeteries.

(b) The 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. 36. K.S.A. 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 of *veterans services* and may include trees, shrubs and other landscaping.

(b) In accordance with this section, the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* 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 of *veterans services*. 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* of an advisory committee to advise the 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 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 of *veterans services* has been obtained before:

(A) The name of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or the name of the Kansas soldiers' home, the Kansas veterans' home or any other institution, building or facility under the jurisdiction of the director; or

(B) the name of the director or of any officer or employee of the ~~Kansas commission on veterans affairs~~ office of *veterans services* 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 of *veterans services*. 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 of *veterans services* or the 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. 37. K.S.A. 73-1234 is hereby amended to read as follows: 73-1234. (a) (1) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* 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 of *veterans services* shall appoint the 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 of *veterans services* for all veterans services, except for those services relating to the Kansas soldiers' home and the Kansas veterans' home.

~~(4)~~(3) No employee of the ~~Kansas commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 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~~ *trainers*.

(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 of veterans services* who are veterans and who work in the veteran services program, ~~as well as~~ *and* 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 deputy director of veterans services that the person has successfully completed the ~~national association of county veterans service officers training~~ *federal department of veterans affairs office training, responsibility, involvement and preparation of claims (TRIP) course* or equivalent, as determined by the deputy director of veterans services and that such person shall participate in a minimum of one annual training session as approved by the 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 deputy director of veterans services;

(3) agree to participate in one-stop veterans service centers at:

(A) ~~The federal veterans administration regional office and each federal veterans administration medical center in Kansas~~ *department of veterans affairs regional office or the veterans affairs medical center in Wichita; and*

(B) *each veterans affairs medical center in Topeka and Leavenworth as long as those facilities are in operation;*

(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~~ *office of veterans services* 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 *department of veterans administration* ~~affairs regional office or the veterans affairs medical center in Wichita~~ *and the United States department of each veterans affairs medical center* located in Topeka and Leavenworth *as long as those facilities are in operation;*

(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~~ *most recent* 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 of veterans services 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~~ *such* veterans service organization shall continue to provide monetary support for the veterans claims assistance program pursuant to the requirements in subsection (g).

(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 of *veterans services* for approval.

(h) Each veterans service organization receiving a service grant under this section shall file with the ~~Kansas commission on veterans affairs~~ office of *veterans services*, 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 of *veterans services* 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. 38. K.S.A. 73-1235 is hereby amended to read as follows: 73-1235. (a) There is hereby established with the ~~Kansas commission on veterans affairs~~ office of *veterans services* an advisory board which shall be known as the VCAP advisory board. The advisory board shall advise the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* on all veterans services, including in the implementation and administration of the veterans claims assistance program.

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

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

(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.

(C) The governor shall appoint 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.

(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 deputy director of veterans services, 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~~ *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(b), (c) and (d)~~ and amendments thereto.

Sec. 39. K.S.A. 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 of veterans services* under this act. The director of the Kansas ~~commission on veterans affairs~~ *office of veterans services* and each veterans service organization ~~which~~ *that* 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. 40. K.S.A. 73-1238 is hereby amended to read as follows: 73-1238. There is hereby created within the Kansas ~~commission on veterans affairs~~ *office of veterans services*, 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 *such veteran*:

(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

(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. 41. K.S.A. 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~~ 18 years of age at the time of ~~enlistment~~ *entry into active service*. For purposes of this ~~bill~~ *section*, "veteran" means ~~any a person defined as a veteran by the United States department of veterans' affairs or its successor agency who served in the active military, naval, air or space service and who was discharged under conditions other than dishonorable.~~ The director of the Kansas ~~commission on veterans affairs~~ *office of veterans services* 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 of veterans services* on forms prescribed and furnished by the director of the Kansas ~~commission on veterans affairs~~ *office of veterans services*. The deputy 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 of veterans services*. The deputy director of veteran services shall review applications for the Vietnam war era medallion, medal and a certificate to ensure recipients are enrolled for eligible federal benefits.

Sec. 42. K.S.A. 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 of veterans services* shall give the Vietnam war era medallion, medal and the certificate to the spouse or eldest living survivor of the deceased veteran.

Sec. 43. K.S.A. 73-1242 is hereby amended to read as follows: 73-1242. If the director of ~~veteran~~ *the Kansas office of veterans 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 of veterans services* 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 director of the Kansas ~~commission on veterans affairs~~ *office of veterans services* 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. 44. K.S.A. 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 of *veterans services*. 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:

(a) The average daily balance of moneys in the Vietnam war era veterans' recognition award fund for the preceding month; and

(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. 45. K.S.A. 2023 Supp. 74-2012 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~~ *As used in* 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~~ *that* 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; *and* 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 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, 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); 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. 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 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;

(B) 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;

(C) 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;

(D) assisting the ~~Kansas commission on veterans affairs~~ office of *veterans services* in notifying veterans of the facilities, benefits and services available to veterans; or

(E) any other purpose authorized by the driver's privacy protection act, 18 U.S.C. § 2721, as it existed on January 1, 2018.

(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 subsection (c)(2), 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 subsection (c)(1), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. One dollar shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles, except for fees charged:

(1) Pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations; or

(2) for motor vehicle records authorized for disclosure pursuant to subsection (c)(1)(E) for the purposes of:

(A) Assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in conducting antifraud activities; or

(B) 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.

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

Sec. 46. K.S.A. 75-3370 is hereby amended to read as follows: 75-3370. (a) The secretary 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 of *veterans services* 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 of *veterans services* 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 of *veterans services*.

(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 of *veterans services* have been determined and are available, the secretary 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 of *veterans services*, respectively. The conveyance prescribed by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(c) *As used in this section*, "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. 47. K.S.A. 2023 Supp. 75-3740 is hereby amended to read as follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) A contract shall be awarded to a certified business or disabled veteran business which is also a responsible bidder, whose total bid cost is not more than 10% higher than the lowest competitive bid. Such contract shall contain a promise by the certified business that the percentage of employees that are individuals with disabilities will be maintained throughout the contract term and a condition that the certified business shall not subcontract for goods or services in an

aggregate amount of more than 25% of the total bid cost.

(c) The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

(1) (A) A responsible bidder purchases from a qualified vendor goods or services on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder; or

(B) a responsible bidder purchases from a certified business the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder;

(2) the dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

(3) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

(d) (1) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure made after the bid is opened. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the preceding sentence notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information. Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider the:

(A) Criteria and information developed by the secretary of administration, with the advice of the state building advisory commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available; and

(B) recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto.

(2) In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law or the state agency elects not to proceed with the procurement.

(e) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building for a state agency, the director of purchases shall receive written approval from the state agency for which the building construction project has been approved, that the bids generally conform with the plans and specifications prepared by the project architect, by the secretary of administration or by the agency architect for the project, as the case may be, so as to avoid error and mistake on the part of the contractors. In all cases where material described in a contract can be obtained from any state institution, the director of purchases shall exclude the same from the contract.

(f) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five years, unless reproduced as provided in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

(1) "Certified business" means any business certified as provided by subsection (1) by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts as a condition to the certified business being awarded a contract pursuant to subsection (b); and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment that constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (g)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families;

(3) "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

- (i) Neurological;
- (ii) musculoskeletal;
- (iii) special sense organs;
- (iv) respiratory, including speech organs;
- (v) cardiovascular;
- (vi) reproductive;
- (vii) digestive;
- (viii) genitourinary;
- (ix) hemic and lymphatic;
- (x) skin; or
- (xi) endocrine; or

(B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities. ~~The term~~ "Physical or mental impairment" includes, but is not limited to, orthopedic, visual, language and hearing disorders, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability; ~~and~~

(4) "project architect" means the same as defined in K.S.A. 75-

1251, and amendments thereto;

(5) "disabled veteran" means a person ~~verified by the Kansas commission on veterans affairs office to have served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the United States department of veterans affairs, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree~~ *who:*

(A) *Served in the active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;*

(B) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(C) *has a service-connected evaluation percentage equal to or greater than 10% pursuant to 38 U.S.C. § 1101 et seq. 10 U.S.C. § 1201 et seq.; and*

(6) "disabled veteran business" means a business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, and is verified by the ~~Kansas commission on veterans affairs~~ *office of veterans services* that:

(A) Not less than 51% *of such business* is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock is owned by one or more disabled veterans;

(B) the management and daily business operations *of such business* are controlled by one or more disabled veterans; and

(C) such business maintains the requirements of subparagraphs (A) and (B) during the entire contract term.

(h) Any state agency authorized by the director of purchases to make purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall consider any unsolicited proposal for goods or services under this section.

(i) The secretary of administration and the secretary for aging and disability services, jointly, shall adopt rules and regulations as necessary to effectuate the purpose of this section.

(j) At the beginning of each regular session of the legislature, the secretary of administration and the secretary for aging and disability services shall submit to the social services budget committee of the house of representatives and the appropriate subcommittee of the committee on ways and means of the senate, a written report on the number of:

(1) Certified businesses certified by the department of administration during the previous fiscal year;

(2) certified businesses awarded contracts pursuant to subsection (b) during the previous fiscal year;

(3) contracts awarded pursuant to subsection (b) to each certified business during the previous fiscal year;

(4) individuals with disabilities removed from, reinstated to or not reinstated to home and community based services or other medicaid program services during the previous fiscal year as a result of employment with a certified business;

(5) individuals employed by each certified business during the previous fiscal year; and

(6) individuals with disabilities employed by each certified business during the previous fiscal year.

(k) When a state agency is receiving bids to purchase passenger motor vehicles, such agency shall follow the procedures prescribed in subsection (c)(2), except in the case where one of the responsible bidders offers motor vehicles that are assembled in Kansas. In such a case, 3% of the bid of the responsible bidder that offers motor vehicles assembled in Kansas shall be subtracted from the bid amount, and that amount shall be used to determine the lowest bid pursuant to subsection

(c)(2). This subsection shall only apply to bids that match the exact motor vehicle specifications of the agency purchasing passenger motor vehicles.

(l) The secretary of administration shall certify that a business meets the requirements for a certified business as defined in subsection (g), and shall recertify such business as having met such requirements every three years thereafter.

Sec. 48. K.S.A. 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; or

(6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 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. 21-5914, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 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;

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

(9) all employees of the ~~Kansas commission on veterans affairs~~ office of veterans services.

Sec. 49. K.S.A. 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 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 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 Kansas department for aging and disability services. Subject to any restrictions imposed by appropriation acts, the 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 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 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 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 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 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 of *veterans 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 Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 of *veterans 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 Kansas ~~commission on veterans affairs~~ office of *veterans services* specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state nor the director of the Kansas ~~commission on veterans affairs~~ office of *veterans 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 Kansas ~~commission on veterans affairs~~ office of *veterans 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 Kansas ~~commission on veterans affairs~~ office of *veterans services* 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. 50. 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 of *veterans services* 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 director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* in accordance with K.S.A. 73-1210a, *and amendments thereto*.

Sec. 51. K.S.A. 76-1904a is hereby amended to read as follows: 76-1904a. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 ~~commission on veterans affairs~~ office of *veterans services* 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. Such 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 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. 52. K.S.A. 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 commission on veterans affairs~~ office of *veterans services* or by a person or persons designated by the director.

Sec. 53. 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 of *veterans services* 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)(1), 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 of *veterans services* and approval of the application by the 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 director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* 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 *shall require that*:

(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. 54. K.S.A. 76-1927 is hereby amended to read as follows: 76-1927. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* 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. 55. K.S.A. 76-1928 is hereby amended to read as follows: 76-1928. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* or the superintendent of the Kansas soldiers' home shall enforce such rules and regulations and may furlough any member for violation of such rules.

Sec. 56. K.S.A. 76-1929 is hereby amended to read as follows: 76-1929. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* 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. 57. 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 such person's right to remain in the home and such member shall be ~~forthwith~~ *immediately* discharged by the director of the Kansas ~~commission on veterans affairs~~ office *of veterans services*.

Sec. 58. 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 ~~commission on veterans affairs~~ office *of veterans services*, such member shall forfeit such member's right to subsistence and rations for the member and the member's dependents, if any, and the director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* shall institute legal proceedings to force such member to vacate the premises.

Sec. 59. K.S.A. 76-1935 is hereby amended to read as follows: 76-1935. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* shall designate a person at the Kansas soldiers' home who shall be in charge of the member funds at such soldiers' home. ~~The Such 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. The director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* shall designate the bank or banks, in which such moneys shall be deposited.

Sec. 60. K.S.A. 76-1935a is hereby amended to read as follows: 76-1935a. (a) The custodian of the members and patients trust fund at the Kansas soldiers' home shall notify the director of the Kansas ~~commission on veterans affairs~~ office *of veterans services* 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 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 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 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.

(b) 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 *in subsection (a)*. Thereafter, unless a claim is filed with the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* 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 of *veterans services* 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. 61. K.S.A. 76-1936 is hereby amended to read as follows: 76-1936. (a) The commissioner of community services and programs of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services*, may transfer patients in the state hospitals at Osawatomie and Larned and patients in the Rainbow mental health facility and the Parsons 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, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities~~ *state hospitals*, that because of such patient's illness such patient is likely to injure themselves 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 *specified in subsection (a)* shall be applicable to such patients ~~so transferred insofar as the same can be made applicable under subsection (a)~~. Any patient ~~so~~ transferred who is found to be or shall become such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities~~ *state hospitals*, that because of such patient's illness such patient is likely to injure themselves 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~~ *state hospitals* and the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services*, to the institution from whence the patient was originally transferred.

Sec. 62. K.S.A. 76-1939 is hereby amended to read as follows: 76-1939. The ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* 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 of *veterans services* 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 of *veterans services*, 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. 63. 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 of *veterans services* 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 of *veterans services* under this section. Each such dwelling shall be constructed and maintained:

(1) At the expense of the individual entering into a contract with the 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 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 director under this section.

(b) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 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 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 of *veterans services* 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 of *veterans services* under this subsection unless the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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. 64. 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 of *veterans services* 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 of *veterans services* and the secretary 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* in accordance with K.S.A. 73-1210a, and amendments thereto.

Sec. 65. K.S.A. 76-1952 is hereby amended to read as follows: 76-1952. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 of *veterans services* 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 director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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. 66. K.S.A. 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 director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or by a person or persons designated by the director.

Sec. 67. 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 of *veterans services* 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)(1), 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 of *veterans services* and approval of the application by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*. 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 of *veterans services* 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 of *veterans services* 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. 68. 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 of *veterans services* 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 of *veterans services* 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 of *veterans services* 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 of *veterans services*.

(f) If any member shall refuse to vacate the premises upon being discharged by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, 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 of *veterans services* shall institute legal proceedings to force such member to vacate the premises.

(g) ~~The word~~ *As used in this section, "member" as used in this act shall refer to* means 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~~ *does* not include any person transferred to the veterans' home from any state hospital or training school.

Sec. 69. K.S.A. 76-1956 is hereby amended to read as follows: 76-1956. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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~~ *Such person* 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 of *veterans services* shall designate the bank or banks, in which such moneys shall be deposited.

Sec. 70. 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 director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* 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 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 of *veterans services* 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 of *veterans services* 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. 71. K.S.A. 76-1958 is hereby amended to read as follows: 76-1958. (a) The commissioner of ~~mental health and developmental disabilities state hospitals~~ of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, 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, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities state hospitals~~, 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, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities state hospitals~~, 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 of *veterans services*, to the institution from which the patient was originally transferred.

Sec. 72. K.S.A. 2023 Supp. 77-440 is hereby amended to read as follows: 77-440. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto, shall be reviewed every five years in accordance with this section.

(b) (1) Each state agency that has adopted rules and regulations shall submit a report to the joint committee on administrative rules and regulations on or before July 15 of the year that corresponds to such state agency under paragraph (2). Such report shall contain a summary of such state agency's review and evaluation of rules and regulations adopted by such state agency, including a statement for each rule and regulation as to whether such rule and regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d), and amendments thereto.

(2) Each state agency that has adopted rules and regulations shall submit a report as required under paragraph (1) in the years that correspond to such state agency as follows:

(A) For 2023 and every fifth year thereafter, the following state agencies:

- (I) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;
- (viii) livestock brand commissioner;
- (ix) Kansas department of agriculture—division of animal health;
- (x) Kansas bureau of investigation;
- (xi) Kansas department of agriculture—division of conservation;
- (xii) agricultural labor relations board;
- (xiii) alcoholic beverage control board of review;
- (xiv) Kansas department of revenue—division of alcoholic beverage control;
- (xv) athletic commission;
- (xvi) attorney general;
- (xvii) office of the state bank commissioner;
- (xviii) employee award board;
- (xix) governmental ethics commission;
- (xx) crime victims compensation board;
- (xxi) Kansas human rights commission;
- (xxii) state fire marshal; and
- (xxiii) Kansas department of wildlife and parks;

(B) for 2024 and every fifth year thereafter, the following state agencies:

- (I) Kansas wheat commission;
- (ii) Kansas state grain inspection department;
- (iii) Kansas department for aging and disability services;
- (iv) Kansas energy office;
- (v) department of health and environment;
- (vi) Kansas department for children and families;
- (vii) park and resources authority;
- (viii) state salvage board;
- (ix) Kansas department of transportation;
- (x) Kansas highway patrol;
- (xi) savings and loan department;
- (xii) Kansas turnpike authority;
- (xiii) insurance department;
- (xiv) food service and lodging board;
- (xv) commission on alcoholism;
- (xvi) corrections ombudsman board;

- (xvii) department of corrections;
 - (xviii) Kansas prisoner review board;
 - (xix) executive council;
 - (xx) mined-land conservation and reclamation (KDHE);
 - (xxi) department of labor—employment security board of review;
 - (xxii) department of labor;
 - (xxiii) department of labor—division of employment; and
 - (xxiv) department of labor—division of workers compensation;
- (C) for 2025 and every fifth year thereafter, the following state agencies:
- (I) State records board;
 - (ii) state library;
 - (iii) board for the registration and examination of landscape architects;
 - (iv) adjutant general's department;
 - (v) state board of nursing;
 - (vi) Kansas board of barbering;
 - (vii) state board of mortuary arts;
 - (viii) board of engineering examiners;
 - (ix) board of examiners in optometry;
 - (x) state board of technical professions;
 - (xi) Kansas board of examiners in fitting and dispensing of hearing instruments;
 - (xii) state board of pharmacy;
 - (xiii) Kansas state board of cosmetology;
 - (xiv) state board of veterinary examiners;
 - (xv) Kansas dental board;
 - (xvi) board of examiners of psychologists;
 - (xvii) registration and examining board for architects;
 - (xviii) board of accountancy;
 - (xix) state bank commissioner—consumer and mortgage lending division;
 - (xx) board of basic science examiners;
 - (xxi) Kansas public employees retirement system;
 - (xxii) office of the securities commissioner; and
 - (xxiii) Kansas corporation commission;
- (D) for 2026 and every fifth year thereafter, the following state agencies:
- (I) Public employee relations board;
 - (ii) abstracters' board of examiners;
 - (iii) Kansas real estate commission;
 - (iv) education commission;
 - (v) state board of regents;
 - (vi) school budget review board;
 - (vii) school retirement board;
 - (viii) state department of education;
 - (ix) Kansas department of revenue;
 - (x) Kansas department of revenue—division of property valuation;
 - (xi) state board of tax appeals;
 - (xii) crop improvement association;
 - (xiii) ~~Kansas commission on veterans' affairs~~ office of veterans services;
 - (xiv) Kansas water office;
 - (xv) Kansas department of agriculture—division of weights and measures;
 - (xvi) state board of healing arts;
 - (xvii) podiatry board;
 - (xviii) behavioral sciences regulatory board;
 - (xix) state bank commissioner and savings and loan commissioner—joint regulations;
 - (xx) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;

- (xxi) state board of indigents' defense services;
 - (xxii) Kansas commission on peace officers' standards and training;
- and
- (xxiii) law enforcement training center; and
- (E) for 2027 and every fifth year thereafter, the following state agencies:
- (i) Kansas state employees health care commission;
 - (ii) emergency medical services board;
 - (iii) department of commerce;
 - (iv) Kansas lottery;
 - (v) Kansas racing and gaming commission;
 - (vi) Kansas department of wildlife and parks;
 - (vii) Kansas state fair board;
 - (viii) real estate appraisal board;
 - (ix) state historical society;
 - (x) health care data governing board;
 - (xi) state department of credit unions;
 - (xii) pooled money investment board;
 - (xiii) department of corrections—division of juvenile services;
 - (xiv) state child death review board;
 - (xv) Kansas agricultural remediation board;
 - (xvi) unmarked burial sites preservation board;
 - (xvii) Kansas housing resources corporation;
 - (xviii) department of commerce— Kansas athletic commission;
 - (xix) department of health and environment—division of health care finance;
 - (xx) home inspectors registration board;
 - (xxi) committee on surety bonds and insurance;
 - (xxii) 911 coordinating council; and
 - (xxiii) office of administrative hearings.

(c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall submit a report to the joint committee on administrative rules and regulations in accordance with subsection (b) (1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

(d) Notwithstanding any other provision of law, a rule and regulation may be adopted or maintained by a state agency only if such rule and regulation serves an identifiable public purpose to support state law and may not be broader than is necessary to meet such public purpose.

(e) This section shall be a part of and supplemental to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

Sec. 73. K.S.A. 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 addition 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 of *veterans services*. 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 director of the Kansas ~~commission on veterans affairs~~ office *of veterans services*.

Sec. 74. K.S.A. 2023 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2013 and thereafter without regard to any modifications pursuant to K.S.A. 79-32,117(b) (xx) through (xxiii) and (c)(xx), and amendments thereto, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who prior to attaining full retirement age had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of "loss of time" insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability ~~pensions~~ *compensation*. Income does not include disability payments received under the federal social security act.

(b) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(d) "Homestead" means the dwelling, or any part thereof, owned and occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was:

(1) For purposes of a claim under K.S.A. 79-4508, and amendments thereto:

(A) A person having a disability;

(B) a person who is 55 years of age or older;

(C) a disabled veteran;

(D) the surviving spouse of ~~active duty military personnel~~ *a deceased member of the armed forces* who died in the line of duty *during a period of active service*; or

(E) a person other than a person included under subparagraph (A), (B), (C) or (D) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act; or

(2) for purposes of a claim under K.S.A. 2023 Supp. 79-4508a, and amendments thereto:

- (A) A person who is 65 years of age or older; or
- (B) a disabled veteran.

The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(1)(C) at the time of the veterans' death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

(1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of ²⁰/₂₀₀ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of ²⁰/₂₀₀ or less.

(i) "Disabled veteran" means a person who is a resident of Kansas and ~~has been honorably discharged from active service in any branch of the armed forces of the United States or Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% or greater permanent disability sustained through military action or accident or resulting from disease contracted while in such active service who:~~

(1) *Served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;*

(2) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(3) *has a service-connected evaluation percentage equal to or greater than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

Sec. 75. K.S.A. 8-160, 8-243, 8-1324, 21-6630, 39-923, 44-706, 48-3401, 65-1116, 65-1732, 65-2418, 73-201, 73-209, 73-210, 73-230, 73-1208d, 73-1208e, 73-1208f, 73-1209, 73-1210a, 73-1211, 73-1217, 73-1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-1954, 76-1955, 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A. 2023 Supp. 32-934, 48-3407, 48-3408, 48-3601, 50-676, 65-6129, 74-2012, 75-3740, 77-440 and 79-4502 are hereby repealed.

Sec. 76. 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 was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.