

1 AN ACT relating to employment at veterans' nursing homes.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 40.325 is amended to read as follows:

4 (1) There shall be established and maintained in the Commonwealth of Kentucky state  
5 veterans' nursing homes to provide long-term care to veterans who are residents of  
6 Kentucky.

7 (2) There is created the Office of Kentucky Veterans' Centers within the Department of  
8 Veterans' Affairs. The office shall be headed by an executive director appointed  
9 pursuant to KRS 12.050. The office shall operate the Kentucky state veterans'  
10 nursing homes. The Department of Veterans' Affairs may promulgate any  
11 administrative regulations necessary to operate the homes in compliance with  
12 applicable state and federal statutes and regulations.

13 (3) The Department of Veterans' Affairs may seek federal and private funding for the  
14 construction or renovation, and operation of Kentucky state veterans' nursing  
15 homes.

16 **(4) *The executive director of the Office of Kentucky Veterans' Centers, with the***  
17 ***approval of the commissioner of the Department of Veterans' Affairs, may***  
18 ***contract to hire licensed nurses in order to provide needed long-term care of***  
19 ***veterans in residence at state veterans' nursing homes, and those contracts shall***  
20 ***not be subject to KRS 45A.550 to 45A.554 or 45A.690 to 45A.725.***

21 ➔Section 2. KRS 45A.690 is amended to read as follows:

22 (1) As used in KRS 45A.690 to 45A.725:

23 (a) "Committee" means the Government Contract Review Committee of the  
24 Legislative Research Commission;

25 (b) "Contracting body" means each state board, bureau, commission, department,  
26 division, authority, university, college, officer, or other entity, except the  
27 Legislature, authorized by law to contract for personal services. "Contracting

1 body" includes the Tourism Development Finance Authority with regard to  
2 tax incentive agreements;

3 (c) "Governmental emergency" means an unforeseen event or set of  
4 circumstances that creates an emergency condition as determined by the  
5 committee by promulgation of an administrative regulation;

6 (d) "Memorandum of agreement" means any memorandum of agreement,  
7 memorandum of understanding, program administration contract, interlocal  
8 agreement to which the Commonwealth is a party, privatization contract, or  
9 similar device relating to services between a state agency and any other  
10 governmental body or political subdivision of the Commonwealth or entity  
11 qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under  
12 KRS Chapter 65 that involves an exchange of resources or responsibilities to  
13 carry out a governmental function. It includes agreements by regional  
14 cooperative organizations formed by local boards of education or other public  
15 educational institutions for the purpose of providing professional educational  
16 services to the participating organizations and agreements with Kentucky  
17 Distinguished Educators pursuant to KRS 158.782. This definition does not  
18 apply to:

- 19 1. Agreements between the Transportation Cabinet and any political  
20 subdivision of the Commonwealth for road and road-related projects;
- 21 2. Agreements between the Auditor of Public Accounts and any other  
22 governmental agency or political subdivision of the Commonwealth for  
23 auditing services;
- 24 3. Agreements between state agencies as required by federal or state law;
- 25 4. Agreements between state agencies and state universities or colleges  
26 only when the subject of the agreement does not result in the use of an  
27 employee or employees of a state university or college by a state agency

1 to fill a position or perform a duty that an employee or employees of  
2 state government could perform if hired, and agreements between state  
3 universities or colleges and employers of students in the Commonwealth  
4 work-study program sponsored by the Kentucky Higher Education  
5 Assistance Authority;

- 6 5. Agreements involving child support collections and enforcement;
- 7 6. Agreements with public utilities, providers of direct Medicaid health  
8 care to individuals except for any health maintenance organization or  
9 other entity primarily responsible for administration of any program or  
10 system of Medicaid managed health care services established by law or  
11 by agreement with the Cabinet for Health and Family Services, and  
12 transit authorities;
- 13 7. Nonfinancial agreements;
- 14 8. Any obligation or payment for reimbursement of the cost of corrective  
15 action made pursuant to KRS 224.60-140;
- 16 9. Exchanges of confidential personal information between agencies;
- 17 10. Agreements between state agencies and rural concentrated employment  
18 programs; or
- 19 11. Any other agreement that the committee deems inappropriate for  
20 consideration;

21 (e) "Motion picture or entertainment production" means the same as defined in  
22 KRS 148.542;

23 (f) "Multicontract" means a group of personal service contracts between a  
24 contracting body and individual vendors providing the same or substantially  
25 similar services to the contracting body that, for purposes of the committee,  
26 are treated as one (1) contract;

27 (g) "Personal service contract" means an agreement whereby an individual, firm,

1 partnership, or corporation is to perform certain services requiring  
2 professional skill or professional judgment for a specified period of time at a  
3 price agreed upon. It includes all price contracts for personal services between  
4 a governmental body or political subdivision of the Commonwealth and any  
5 other entity in any amount. This definition does not apply to:

- 6 1. Agreements between the Department of Parks and a performing artist or  
7 artists for less than five thousand dollars (\$5,000) per fiscal year per  
8 artist or artists;
- 9 2. Agreements with public utilities, foster care parents, providers of direct  
10 Medicaid health care to individuals except for any health maintenance  
11 organization or other entity primarily responsible for administration of  
12 any program or system of Medicaid managed health care services  
13 established by law or by agreement with the Cabinet for Health and  
14 Family Services, individuals performing homemaker services, and  
15 transit authorities;
- 16 3. Agreements between state universities or colleges and employers of  
17 students in the Commonwealth work study program sponsored by the  
18 Kentucky Higher Education Assistance Authority;
- 19 4. Agreements between a state agency and rural concentrated employment  
20 programs;
- 21 5. Agreements between the State Fair Board and judges, officials, and  
22 entertainers contracted for events promoted by the State Fair Board;
- 23 6. Agreements between the Department of Public Advocacy and attorneys  
24 for the representation of indigent clients who are entitled to  
25 representation under KRS Chapter 31 and who, by reason of conflict or  
26 otherwise, cannot be represented by the department, subject to quarterly  
27 reports of all such agreements to the committee;

1            7. *Agreements between the Office of Kentucky Veterans' Centers and*  
2            *licensed nurses in order to provide critically needed long-term care to*  
3            *Kentucky veterans who are residents in state veterans' nursing homes*  
4            *pursuant to Section 1 of this Act;* or

5            ~~8.[7.]~~ Any other contract that the committee deems inappropriate for  
6            consideration;

7            (h) "Tax incentive agreement" means an agreement executed under KRS 148.546;  
8            and

9            (i) "Tourism Development Finance Authority" means the authority established by  
10           KRS 148.850.

11          (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense  
12          with the requirements of any other law necessary to make the personal service  
13          contract or memorandum of agreement valid.