HOUSE BILL No. 2657

By Committee on Veterans, Military and Homeland Security


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

New Section 1. The Kansas commission on veterans affairs shall have full control of the Kansas veteran care center, the properties as described in K.S.A. 76-1901 and 76-1951, and amendments thereto, facilities, effects, supervision and management thereof.

New Sec. 2. A superintendent of the Kansas veteran care center shall be appointed by the Kansas commission on veterans affairs, and shall serve at the pleasure of the commission. The superintendent shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the Kansas commission on veterans affairs, with the approval of the governor. The superintendent of the Kansas veteran care center shall perform such duties and exercise such powers as the commission may prescribe, and such duties and powers as are prescribed by law.

New Sec. 3. The Kansas commission on veterans affairs shall establish rates of charges to be made to members and patients of the Kansas veteran care center. The charges in the first year of operation of the Kansas veteran care center shall not exceed an amount equal to the per diem cost of care for the Kansas soldiers' home or the Kansas veterans' home, as applicable, 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 veteran care center 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 Kansas commission on veterans affairs against a member or patient or the estate of a member or patient for the recovery of any such charges unless such action is commenced within five years after the date such charges are incurred. The commission 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.

New Sec. 4. (a) There is hereby created in the state treasury the Kansas veterans care center 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 executive director of the Kansas commission on veterans affairs or by a person or persons designated by the executive director.

(b) On July 1, 2014, the director of accounts and reports shall transfer all moneys in the soldiers' home fee fund, created under K.S.A. 76-1906, prior to its repeal, and the veterans' home fee fund, created under K.S.A. 76-1953, prior to its repeal, to the Kansas veterans care center fee fund. On July 1, 2014, all liabilities of the soldiers' home fee fund and the veterans' home fee fund are hereby imposed on the Kansas veterans care center fee fund, and the soldiers' home fee fund and the veterans' home fee fund are hereby abolished. Any reference to such funds abolished by this section in any statute, contract or other document shall be deemed to refer to the Kansas veterans care center fee fund.

(c) The superintendent of the Kansas veterans care center shall remit all moneys received by or for the superintendent under sections 1 through 12, and amendments thereto, under article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto, 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 Kansas veterans care center 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 executive director of the
Kansas commission on veterans affairs or by a person or persons designated by the executive director.

New Sec. 5. (a) The following, subject to the rules and regulations that may be adopted by the Kansas commission on veterans affairs for the management and government of the Kansas veterans care center, shall be eligible to admission to the Kansas veterans care center:

(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 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 Kansas veterans care center except upon application to the commission and approval of the application by the commission. No applicant shall be admitted to the Kansas veterans care center 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 Kansas veterans care center who has been convicted of a felony, unless the commission 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 Kansas veterans care center who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the Kansas veterans care center shall be discharged under 16 years of age.

(f) The Kansas commission on veterans affairs shall have authority by resolution to discharge any member from the Kansas veterans care center on a showing that the member has gained admittance into the Kansas veterans care center 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 Kansas veterans care center 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.
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(g) The rules and regulations for admission of members to the Kansas veterans care center:

(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 section 9, and amendments thereto.

New Sec. 6. (a) The Kansas commission on veterans affairs shall have the authority to establish rules and regulations for the management and operation of the Kansas veterans care center, and any facilities thereof, and governing conduct and discipline of the members of and other persons in the Kansas veterans care center. Such rules and regulations shall be filed with the secretary of state as provided by law.

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

(c) The Kansas commission on veterans affairs 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 Kansas commission on veterans affairs or the officers of the Kansas veterans care center, and any facilities thereof, 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 the Kansas veterans care center, and any facilities thereof, 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 discharged by the Kansas commission on veterans affairs.

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

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

New Sec. 7. The Kansas commission on veterans affairs shall
designate a person at the Kansas veterans care center, and each facility
thereof, who shall be in charge of the member funds at the Kansas veterans
care center. The person so designated shall have custody and charge of all
moneys belonging to the members, or patients residing in the Kansas
veterans care center, which are held for their use, benefit and burial. The
Kansas commission on veterans affairs shall designate the bank or banks,
in which such moneys shall be deposited.

New Sec. 8. (a) The custodian of the members and patients trust fund
at the Kansas veterans care center shall notify the executive director of the
Kansas commission on veterans affairs of any moneys which are under the
custodian's charge belonging to members who have died intestate, without
known heirs or designated beneficiaries for funds on deposit, and the
executive director shall publish a notice for two consecutive weeks in the
Kansas register which shall state the name of each deceased member, their
last known home address and the amount of the deposit remaining in the
account of such former member; and such notice shall further state that
unless interested persons appear and file a legitimate claim within one year
after the date of the last publication of such notice, such amount or
amounts will be transferred to the Kansas veterans care center fee fund to
help defray unrecovered costs connected with the maintenance and
operation of the Kansas veterans care center 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 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 Kansas
commission on veterans affairs is hereby authorized to make payments to
claimants it shall determine are entitled thereto, if such claims otherwise
comply with the terms of sections 1 through 12, and amendments thereto,
and such payments shall be authorized from the general fees fund of the
Kansas veterans care center, to which the former member's funds were
transferred.
New Sec. 9. (a) The commissioner of mental health and developmental disabilities of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the Kansas commission on veterans affairs, may transfer patients in the state hospitals in Osawatomie and Larned and patients in the Rainbow mental health facility and the Parsons state hospital 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 section 5, and amendments thereto, and was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas veterans care center. No patient who is such a mentally ill person, in the opinion of the commissioner of mental health and developmental disabilities, that because of such patient's illness such patient is likely to injure oneself or others shall be so transferred to the Kansas veterans care center, and no such patient shall be so transferred if such transfer will deny admission to persons entitled to admission under section 5, and amendments thereto, and rules and regulations promulgated thereunder. Persons so transferred shall not be considered as members of the Kansas veterans care center but shall be considered as patients therein.

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

New Sec. 10. The Kansas commission on veterans affairs shall not engage in farming operations on the farm land which is part of the lands of the Kansas veterans care center, except that the Kansas commission on veterans affairs 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, 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 veterans care center fee fund for the use of the Kansas veterans care center.

New Sec. 11. (a) On July 1, 2014, except as otherwise provided in this act, all of the powers, duties and functions of the existing superintendent of the Kansas soldiers' home under K.S.A. 76-1904, prior to its repeal, and the existing superintendent of the Kansas veterans' home under K.S.A. 76-1951, in effect prior to the effective date of this act, are hereby transferred to and conferred and imposed upon the superintendent of the Kansas veterans care center provided for by section 2, and amendments thereto.

(b) Except as otherwise provided in this act, the superintendent of the Kansas veterans care center provided for by this act, shall be the successor in every way to the powers, duties and functions of the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home abolished by this act, in which the same were vested prior to July 1, 2014. Every act performed in the exercise of such powers, duties and functions by or under the authority of the superintendent of the Kansas veterans care center provided for by this act, shall be deemed to have the same force and effect as if performed by the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home abolished by this act in which the authority to perform such powers, duties and functions were vested prior to July 1, 2014. The superintendent of the Kansas veterans care center provided for by this act shall be a continuation of the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home abolished by this act.

(c) Except as otherwise provided in this act, on and after July 1, 2014, whenever the superintendent of the Kansas soldiers' home, or words of like effect, or the superintendent of the Kansas veterans' home, or words of like effect, is referred to or designated by a statute, contract or other document such reference or designation shall be deemed to mean and apply to the superintendent of the Kansas veterans care center provided for by this act.

New Sec. 12. (a) The Kansas commission on veterans affairs may enter into a written contract with any individual who is eligible for admission to the Kansas veterans care center under section 5, 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 veterans care center in accordance with rules and regulations adopted by the Kansas commission on veterans affairs under this section. Each such dwelling shall be constructed and maintained (1) at the expense of the individual entering
into a contract with the commission under this section, including any
required sewer, water and utility connections, (2) at a location on the real
property of the Kansas veterans care center approved in accordance with
rules and regulations adopted by the commission under this section, and
(3) in accordance with the building design, construction and materials
standards as authorized or prescribed by rules and regulations adopted by
the commission under this section.

(b) The Kansas commission on veterans affairs shall grant a life
estate to each individual who enters into a contract under this section and
who constructs a dwelling at the Kansas veterans care center in accordance
with this section and the rules and regulations adopted by the commission
under this section. The life estate shall be for the dwelling and the tract of
real property that the dwelling is constructed on, as specified in the
contract entered into under this section, for the life of the individual and
the lives of such individual's family members who are residing in the
dwelling. Each life estate granted by the commission 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 veterans care center and such dwelling and real estate shall be
used for housing of veterans and other eligible individuals admitted to the
Kansas veterans care center as provided by statute.

(d) The Kansas commission on veterans affairs shall adopt rules and
regulations prescribing policies and procedures for the construction and
maintenance of single-family dwellings on the real estate of the Kansas
veterans care center, 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 Kansas commission on veterans
affairs under this subsection unless the Kansas commission on veterans
affairs 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. 13. K.S.A. 76-1901 is hereby amended to read as follows: 76-
1901. The institution established upon the Fort Dodge military reservation
shall be known as "the Kansas soldiers' home veterans care center," and
any reference to the Kansas soldiers' home, or Mother Bickerdyke annex,
or to the "Kansas soldiers' home and Mother Bickerdyke annex" in any
law of this state shall be construed as referring to the Kansas soldiers' home and any and all statutory provisions made for the Mother Bickerdyke annex shall be construed as referring to the Kansas soldiers' home veterans care center.

Sec. 14. K.S.A. 2013 Supp. 39-970 is hereby amended to read as follows: 39-970. (a) (1) No person shall knowingly operate an adult care home if, in the adult care home, there works any person who has been convicted of or has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of capital murder, pursuant to K.S.A. 21-3439, prior to its repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto, first degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A. 2013 Supp. 21-5402, and amendments thereto, second degree murder, pursuant to subsection (a) of K.S.A. 21-3402, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5403, and amendments thereto, voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or K.S.A. 2013 Supp. 21-5404, and amendments thereto, assisting suicide pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2013 Supp. 21-5407, and amendments thereto, mistreatment of a dependent adult, pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2013 Supp. 21-5417, and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto, indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto, indecent solicitation of a child, pursuant to K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5508, and amendments thereto, aggravated indecent solicitation of a child, pursuant to K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5508, and amendments thereto, sexual exploitation of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, or aggravated sexual battery, pursuant to K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5505, and amendments thereto, an attempt to commit any of the crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, a conspiracy to commit any of the crimes listed in this subsection (a)(1),
pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-
5302, and amendments thereto, or criminal solicitation of any of the
crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3303, prior to
its repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto, or
similar statutes of other states or the federal government. The provisions of
subsection (a)(2)(C) shall not apply to any person who is employed by an
adult care home on July 1, 2010 and while continuously employed by the
same adult care home.

(2) A person operating an adult care home may employ an applicant
who has been convicted of any of the following if five or more years have
elapsed since the applicant satisfied the sentence imposed or was
discharged from probation, a community correctional services program,
parole, postrelease supervision, conditional release or a suspended
sentence; or if five or more years have elapsed since the applicant has been
finally discharged from the custody of the commissioner of juvenile justice
or from probation or has been adjudicated a juvenile offender, whichever
time is longer: A felony conviction for a crime which is described in: (A)
Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their
repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or
K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and
amendments thereto, except those crimes listed in subsection (a)(1); (B)
articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to
their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes
Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and
amendments thereto, except those crimes listed in subsection (a)(1) and
K.S.A. 21-3605, prior to its repeal, or K.S.A. 2013 Supp. 21-5606, and
amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A.
2013 Supp. 21-5801, and amendments thereto; (D) an attempt to commit
any of the crimes listed in this subsection (a)(2) pursuant to K.S.A. 21-
3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments
thereto; (E) a conspiracy to commit any of the crimes listed in subsection
(a)(2) pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp.
21-5302, and amendments thereto; (F) criminal solicitation of any of the
crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3303, prior to its
repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto; or (G)
similar statutes of other states or the federal government.

(b) No person shall operate an adult care home if such person has
been found to be in need of a guardian or conservator, or both as provided
in K.S.A. 59-3050 through 59-3095, and amendments thereto. The
provisions of this subsection shall not apply to a minor found to be in need
of a guardian or conservator for reasons other than impairment.

(c) The secretary of health and environment shall have access to any
criminal history record information in the possession of the Kansas bureau
of investigation regarding any criminal history information, convictions
under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or
K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and
amendments thereto, adjudications of a juvenile offender which if
committed by an adult would have been a felony conviction, and
adjudications of a juvenile offender for an offense described in K.S.A. 21-
3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,
concerning persons working in an adult care home. The secretary shall
have access to these records for the purpose of determining whether or not
the adult care home meets the requirements of this section. The Kansas
bureau of investigation may charge to the department of health and
environment a reasonable fee for providing criminal history record
information under this subsection.

(d) For the purpose of complying with this section, the operator of an
adult care home shall request from the department of health and
environment information regarding any criminal history information,
convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their
repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-
5801, and amendments thereto, adjudications of a juvenile offender which
if committed by an adult would have been a felony conviction, and
adjudications of a juvenile offender for an offense described in K.S.A. 21-
3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,
and which relates to a person who works in the adult care home, or is
being considered for employment by the adult care home, for the purpose
of determining whether such person is subject to the provision of this
section. For the purpose of complying with this section, the operator of an
adult care home shall receive from any employment agency which
provides employees to work in the adult care home written certification
that such employees are not prohibited from working in the adult care
home under this section. For the purpose of complying with this section,
information relating to convictions and adjudications by the federal
government or to convictions and adjudications in states other than Kansas
shall not be required until such time as the secretary of health and
environment determines the search for such information could reasonably
be performed and the information obtained within a two-week period. For
the purpose of complying with this section, a person who operates an adult
care home may hire an applicant for employment on a conditional basis
pending the results from the department of health and environment of a
request for information under this subsection. No adult care home, the
operator or employees of an adult care home or an employment agency, or
the operator or employees of an employment agency, shall be liable for
civil damages resulting from any decision to employ, to refuse to employ
or to discharge from employment any person based on such adult care
home's compliance with the provisions of this section if such adult care
home or employment agency acts in good faith to comply with this
section.

(e) The secretary of health and environment shall charge each person
requesting information under this section a fee equal to cost, not to exceed
$10, for each name about which an information request has been submitted
to the department under this section.

(f) (1) The secretary of health and environment shall provide each
operator requesting information under this section with the criminal
history record information concerning any criminal history information
and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their
repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-
5801, and amendments thereto, in writing and within three working days
of receipt of such information from the Kansas bureau of investigation.
The criminal history record information shall be provided regardless of
whether the information discloses that the subject of the request has been
convicted of an offense enumerated in subsection (a).

(2) When an offense enumerated in subsection (a) exists in the
criminal history record information, and when further confirmation
regarding criminal history record information is required from the
appropriate court of jurisdiction or Kansas department of corrections, the
secretary shall notify each operator that requests information under this
section in writing and within three working days of receipt from the
Kansas bureau of investigation that further confirmation is required. The
secretary shall provide to the operator requesting information under this
section information in writing and within three working days of receipt of
such information from the appropriate court of jurisdiction or Kansas
department of corrections regarding confirmation regarding the criminal
history record information.

(3) Whenever the criminal history record information reveals that the
subject of the request has no criminal history on record, the secretary shall
provide notice to each operator requesting information under this section,
in writing and within three working days after receipt of such information
from the Kansas bureau of investigation.

(4) The secretary of health and environment shall not provide each
operator requesting information under this section with the juvenile
criminal history record information which relates to a person subject to a
background check as is provided by K.S.A. 2013 Supp. 38-2326, and
amendments thereto, except for adjudications of a juvenile offender for an
offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2013
Supp. 21-5801, and amendments thereto. The secretary shall notify the
operator that requested the information, in writing and within three
working days of receipt of such information from the Kansas bureau of
investigation, whether juvenile criminal history record information
received pursuant to this section reveals that the operator would or would
not be prohibited by this section from employing the subject of the request
for information and whether such information contains adjudications of a
juvenile offender for an offense described in K.S.A. 21-3701, prior to its
repeal, or K.S.A. 2013 Supp. 21-5801, and amendments thereto.
(5) An operator who receives criminal history record information
under this subsection (f) shall keep such information confidential, except
that the operator may disclose such information to the person who is the
subject of the request for information. A violation of this paragraph (5)
shall be an unclassified misdemeanor punishable by a fine of $100.
(g) No person who works for an adult care home and who is currently
licensed or registered by an agency of this state to provide professional
services in the state and who provides such services as part of the work
which such person performs for the adult care home shall be subject to the
provisions of this section.
(h) A person who volunteers in an adult care home shall not be
subject to the provisions of this section because of such volunteer activity.
(i) An operator may request from the department of health and
environment criminal history information on persons employed under
subsections (g) and (h).
(j) No person who has been employed by the same adult care home
since July 1, 1992, shall be subject to the provisions of this section while
employed by such adult care home.
(k) The operator of an adult care home shall not be required under
this section to conduct a background check on an applicant for
employment with the adult care home if the applicant has been the subject
of a background check under this act within one year prior to the
application for employment with the adult care home. The operator of an
adult care home where the applicant was the subject of such background
check may release a copy of such background check to the operator of an
adult care home where the applicant is currently applying.
(l) No person who is in the custody of the secretary of corrections and
who provides services, under direct supervision in nonpatient areas, on the
grounds or other areas designated by the superintendent of the Kansas
soldiers' home or the Kansas veterans' home veterans care center shall be
subject to the provisions of this section while providing such services.
(m) For purposes of this section, the Kansas bureau of investigation
shall report any criminal history information, convictions under K.S.A. 21-
3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,
adjudications of a juvenile offender which if committed by an adult would
have been a felony conviction, and adjudications of a juvenile offender for
an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to
their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and
21-5801, and amendments thereto, to the secretary of health and
environment when a background check is requested.

(n) This section shall be part of and supplemental to the adult care
home licensure act.

Sec. 15. K.S.A. 2013 Supp. 40-3414 is hereby amended to read as
follows: 40-3414. (a) Any health care provider, or any health care system
organized and existing under the laws of this state which owns and
operates two or more medical care facilities licensed by the department of
health and environment, whose aggregate annual insurance premium is or
would be $100,000 or more for basic coverage calculated in accordance
with rating procedures approved by the commissioner pursuant to K.S.A.
40-3413, and amendments thereto, may qualify as a self-insurer by
obtaining a certificate of self-insurance from the board of governors.

Upon application of any such health care provider or health care system,
on a form prescribed by the board of governors, the board of governors
may issue a certificate of self-insurance if the board of governors is
satisfied that the applicant is possessed and will continue to be possessed
of ability to pay any judgment for which liability exists equal to the
amount of basic coverage required of a health care provider obtained
against such applicant arising from the applicant's rendering of
professional services as a health care provider. In making such
determination the board of governors shall consider (1) the financial
condition of the applicant, (2) the procedures adopted and followed by the
applicant to process and handle claims and potential claims, (3) the
amount and liquidity of assets reserved for the settlement of claims or
potential claims and (4) any other relevant factors. The certificate of self-
insurance may contain reasonable conditions prescribed by the board of
governors. Upon notice and a hearing in accordance with the provisions of
the Kansas administrative procedure act, the board of governors may
cancel a certificate of self-insurance upon reasonable grounds therefor.
Failure to pay any judgment for which the self-insurer is liable arising
from the self-insurer's rendering of professional services as a health care
provider, the failure to comply with any provision of this act or the failure
to comply with any conditions contained in the certificate of self-insurance
shall be reasonable grounds for the cancellation of such certificate of self-
insurance. The provisions of this subsection shall not apply to the Kansas
soldiers' home, the Kansas veterans' home veterans care center or to any
person who is a self-insurer pursuant to subsection (d) or (e).

(b) Any such health care provider or health care system that holds a
certificate of self-insurance shall pay the applicable surcharge set forth in subsection (c) of K.S.A. 40-3402, and amendments thereto.

(c) The Kansas soldiers' home and the Kansas veterans' home veterans care center shall be self-insurers and shall pay the applicable surcharge set forth in subsection (c) of K.S.A. 40-3402, and amendments thereto.

(d) Persons engaged in residency training as provided in subsections (r)(1) and (2) of K.S.A. 40-3401, and amendments thereto, shall be self-insured by the state of Kansas for occurrences arising during such training, and such person shall be deemed a self-insurer for the purposes of the health care provider insurance availability act. Such self-insurance shall be applicable to a person engaged in residency training only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved as provided in subsections (r)(1) and (2) of K.S.A. 40-3401, and amendments thereto.

(e)(1) A person engaged in a postgraduate training program approved by the state board of healing arts at a medical care facility or mental health center in this state may be self-insured by such medical care facility or mental health center in accordance with this subsection (e) and in accordance with such terms and conditions of eligibility therefor as may be specified by the medical care facility or mental health center and approved by the board of governors. A person self-insured under this subsection (e) by a medical care facility or mental health center shall be deemed a self-insurer for purposes of the health care provider insurance availability act. Upon application by a medical care facility or mental health center, on a form prescribed by the board of governors, the board of governors may authorize such medical care facility or mental health center to self-insure persons engaged in postgraduate training programs approved by the state board of healing arts at such medical care facility or mental health center if the board of governors is satisfied that the medical care facility or mental health center is possessed and will continue to be possessed of ability to pay any judgment for which liability exists equal to the amount of basic coverage required of a health care provider obtained against a person engaged in such a postgraduate training program and arising from such person's rendering of or failure to render professional services as a health care provider.

(2) In making such determination the board of governors shall consider (A) the financial condition of the medical care facility or mental health center, (B) the procedures adopted by the medical care facility or mental health center to process and handle claims and potential claims, (C) the amount and liquidity of assets reserved for the settlement of claims or
potential claims by the medical care facility or mental health center and
(D) any other factors the board of governors deems relevant. The board of
governors may specify such conditions for the approval of an application
as the board of governors deems necessary. Upon approval of an
application, the board of governors shall issue a certificate of self-
insurance to each person engaged in such postgraduate training program at
the medical care facility or mental health center who is self-insured by
such medical care facility or mental health center.

(3) Upon notice and a hearing in accordance with the provisions of
the Kansas administrative procedure act, the board of governors may
cancel, upon reasonable grounds therefor, a certificate of self-insurance
issued pursuant to this subsection (e) or the authority of a medical care
facility or mental health center to self-insure persons engaged in such
postgraduate training programs at the medical care facility or mental
health center. Failure of a person engaged in such postgraduate training
program to comply with the terms and conditions of eligibility to be self-
insured by the medical care facility or mental health center, the failure of a
medical care facility or mental health center to pay any judgment for
which such medical care facility or mental health center is liable as self-
insurer of such person, the failure to comply with any provisions of the
health care provider insurance availability act or the failure to comply with
any conditions for approval of the application or any conditions contained
in the certificate of self-insurance shall be reasonable grounds for
cancellation of such certificate of self-insurance or the authority of a
medical care facility or mental health center to self-insure such persons.

(4) A medical care facility or mental health center authorized to self-
insure persons engaged in such postgraduate training programs shall pay
the applicable surcharge set forth in subsection (c) of K.S.A. 40-3402, and
amendments thereto, on behalf of such persons.

(5) As used in this subsection (e), "medical care facility" does not
include the university of Kansas medical center or those community
hospitals or medical care facilities described in subsection (r)(2) of K.S.A.
40-3401, and amendments thereto.

(f) For the purposes of subsection (a), "health care provider" may
include each health care provider in any group of health care providers
who practice as a group to provide physician services only for a health
maintenance organization, any professional corporations, partnerships or
not-for-profit corporations formed by such group and the health
maintenance organization itself. The premiums for each such provider,
health maintenance organization and group corporation or partnership may
be aggregated for the purpose of being eligible for and subject to the
statutory requirements for self-insurance as set forth in this section.

(g) The provisions of subsections (a) and (f), relating to health care
systems, shall not affect the responsibility of individual health care providers as defined in subsection (f) of K.S.A. 40-3401, and amendments thereto or organizations whose premiums are aggregated for purposes of being eligible for self-insurance from individually meeting the requirements imposed by K.S.A. 40-3402, and amendments thereto, with respect to the ability to respond to injury or damages to the extent specified therein and K.S.A. 40-3404, and amendments thereto, with respect to the payment of the health care stabilization fund surcharge.

(h) Each private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed a self-insurer for the purposes of the health care provider insurance availability act. The private practice corporation or foundation of which the full-time physician faculty is a member and each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall pay the applicable surcharge set forth in subsection (a) of K.S.A. 40-3404, and amendments thereto, on behalf of the private practice corporation or foundation and their full-time physician faculty employed by the university of Kansas medical center or on behalf of a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine.

(i) (1) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a health care provider as defined in K.S.A. 40-3401, and amendments thereto, from and after July 1, 1997.

(2) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, each nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine shall be deemed to have been a self insurer within the meaning of subsection (h) of this section, and amendments thereto, from and after July 1, 1997.

(3) Subject to the provisions of paragraph (4), for the purposes of the health care provider insurance availability act, the election of fund coverage limits for each nonprofit corporation organized to administer the
graduate medical education programs of community hospitals or medical
care facilities affiliated with the university of Kansas school of medicine
shall be deemed to have been effective at the highest option, as provided in
subsection (l) of K.S.A. 40-3403, and amendments thereto, from and after
July 1, 1997.

(4) No nonprofit corporation organized to administer the graduate
medical education programs of community hospitals or medical care
facilities affiliated with the university of Kansas school of medicine shall
be required to pay to the fund any annual premium surcharge for any
period prior to the effective date of this act. Any annual premium
surcharge for the period commencing on the effective date of this act and
ending on June 30, 2001, shall be prorated.

Sec. 16. K.S.A. 73-1207 is hereby amended to read as follows: 73-
1207. The purposes of this act are (1) to afford veterans, their relatives and
dependents information, advice, direction and assistance through
coordination of programs and services in the fields of education, health,
vocational guidance and placement, mental care and economic security
and (2) to provide a commission to furnish the services described in clause
(1) of this section and to manage, operate and control the Kansas soldiers'
home and Mother Bickerdyke annex and the Kansas veterans' home
veterans care center.

Sec. 17. K.S.A. 2013 Supp. 73-1210a is hereby amended to read as
follows: 73-1210a. (a) Except as otherwise provided by law, and subject to
the Kansas civil service act, the executive director of the Kansas
commission on veterans affairs shall appoint such subordinate officers and
employees, subject to the approval of the commission, as are necessary to
enable the commission to exercise or perform its functions, powers and
duties pursuant to the provisions of article 12 of chapter 73 of the Kansas
Statutes Annotated, and amendments thereto.

(b) Upon the commencement of the interview process, every
candidate for a position in a Kansas commission on veterans affairs office
that interviews claimants and provides information advice and counseling
to veterans, surviving spouses, their dependents concerning compensation,
pension, education, vocational rehabilitation, insurance, hospitalization,
outpatient care, home loans, housing, tax exemptions, burial benefits and
other benefits to which they may be entitled, or any other sensitive
position, as determined by the executive director shall be given a written
notice that a criminal history records check is required. The Kansas
commission on veterans affairs 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 Kansas commission on veterans affairs
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 Kansas commission on veterans affairs 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 Kansas commission on veterans affairs. 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 veterans care center shall be excluded from the provisions
of subsection (b). No person who has been employed by the Kansas
commission on veterans affairs 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 Kansas commission on veterans
affairs.

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

(e) Except as otherwise provided by law, and subject to the Kansas
civil service act, the executive director of the Kansas commission on
veterans affairs shall appoint such subordinate officers and employees,
subject to the approval of the Kansas commission on veterans affairs, as
shall be necessary to enable the commission 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. All
such subordinate officers and employees shall be within the classified
service under the Kansas civil service act, shall perform such duties and
exercise such powers as the commission, the executive director of the
commission, the superintendent of the Kansas soldiers’ home and the
superintendent of the Kansas veterans’ home veterans care center may
prescribe and such duties and powers as are designated by law, and shall
act for and exercise the powers of the commission, the executive director
of the commission, the superintendent of the Kansas soldiers’ home and
the superintendent of the Kansas veterans’ home veterans care center to
the extent authority to do so is delegated by such commission, executive
director or superintendent.

(f) Any veterans service representative appointed by the executive
director of the Kansas commission on veterans affairs 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 shall take a power of attorney in the name of the Kansas
commission on veterans affairs. Nothing in this act shall be construed to
prohibit any such veterans service representative from assisting any
veteran with any claim in which a power of attorney is not required.

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

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

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

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

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

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

Sec. 18. K.S.A. 2013 Supp. 73-1233 is hereby amended to read as
follows: 73-1233. (a) As used in this section "memorial for veterans"
means a capital improvement or other suitable memorial for Kansas
veterans who served in the armed forces of the United States of America
which is proposed to be located or is located at an institution, building or
facility on state-owned property of the Kansas commission on veterans
affairs and may include trees, shrubs and other landscaping.

(b) In accordance with this section, the Kansas commission on
veterans affairs 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 Kansas commission on veterans
affairs and shall become the property of Kansas upon completion and
acceptance of the project by the secretary of administration and the Kansas
commission on veterans affairs. 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 Kansas commission on
veterans affairs 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 Kansas
commision on veterans affairs 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 Kansas commission on veterans affairs
may apply for, accept and receive any private donation, gift, grant or
bequest made to establish, modify or maintain memorials for veterans. The
Kansas commission on veterans affairs 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 Kansas commission on veterans affairs shall develop and
adopt rules and regulations prescribing guidelines, limitations and
procedures for the approval of proposed memorials for veterans and for the
acceptance of private donations, gifts, grants and bequests made for
memorials for veterans. The rules and regulations prescribing such
guidelines and procedures shall include:

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

(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 Kansas commission on veterans affairs has been obtained
before (A) the name of the Kansas commission on veterans affairs or the
name of the Kansas veterans’ home, the Kansas soldiers’ home, the Kansas veterans’ home veterans
care center or any other institution, building or facility under the
jurisdiction of the commission, or (B) the name of any member of the
commission or of any officer or employee of the commission 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 veterans care center 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 Kansas commission on veterans affairs. 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 Kansas commission on veterans affairs or the commission'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. 19. K.S.A. 2013 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating
employer by whom such member is employed. A member may retire on
the normal retirement date or on the first day of any month thereafter upon
the filing with the office of the retirement system of an application in such
form and manner as the board shall prescribe. Nothing herein shall prevent
any person, member or retirant from being employed, appointed or elected
as an employee, appointee, officer or member of the legislature. Elected
officers may retire from the system on any date on or after the attainment
of the normal retirement date, but no retirement benefits payable under this
act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive
service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer
pursuant to K.S.A. 74-4954b, and amendments thereto, and has not
withdrawn such member's accumulated contributions from the Kansas
police and firemen's retirement system may retire before such member's
normal retirement date on the first day of any month coinciding with or
following the attainment of age 55.

(4) Any member may retire before such member's normal retirement
date on the first day of any month coinciding with or following
termination of employment with any participating employer not followed
by employment with any participating employer within 60 days and the
attainment of age 55 with the completion of 10 years of credited service,
but in no event before six months after the entry date, upon the filing with
the office of the retirement system of an application for retirement in such
form and manner as the board shall prescribe.

(5) On or after July 1, 2006, for any retirant who is first employed or
appointed in or to any position or office by a participating employer other
than a participating employer for which such retirant was employed or
appointed during the final two years of such retirant's participation, and, on
or after April 1, 2009, for any retirant who is employed by a third-party
entity who contracts services with a participating employer other than a
participating employer for which such retirant was employed or appointed
during the final two years of such retirant's participation to fill a position
covered under subsection (a) of K.S.A. 72-5410, and amendments thereto,
with such retirant, such participating employer shall pay to the system the
actuarially determined employer contribution and the statutorily prescribed
employee contribution based on the retirant's compensation during any
such period of employment or appointment. If a retirant who retired on or
after July 1, 1988, is employed or appointed in or to any position or office
for which compensation for service is paid in an amount equal to $20,000
or more in any one such calendar year, by any participating employer for
which such retirant was employed or appointed during the final two years
of such retirant's participation, and, on or after April 1, 2009, by any third-
party entity who contracts services to fill a position covered under subsection (a) of K.S.A. 72-5410, and amendments thereto, with such retirant with a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under subsection (a) of K.S.A. 72-5410, and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this act which relate to positions filled with a retirant or employment of a retirant by a third-party entity shall not apply to any contract for services entered into prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retirant employed by a participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b,
and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of $20,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in subsection (b) of K.S.A. 76-12a01 or subsection (f) of K.S.A. 38-2302, and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home or the veterans care center. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

Sec. 20. K.S.A. 2013 Supp. 74-8724 is hereby amended to read as follows: 74-8724. (a) Notwithstanding any provision of law to the contrary, the Kansas lottery commission shall establish an instant lottery scratch-off game designated as the veterans benefit game, which shall be conducted by the Kansas lottery. Tickets for the veterans benefit game established by this section shall be offered for sale year-round.

(b) The Kansas lottery commission shall adopt rules and regulations governing the establishment of the veterans benefit game pursuant to K.S.A. 74-8710, and amendments thereto, except that subsection (b) of K.S.A. 74-8710, and amendments thereto, shall not apply to the veterans benefit game established by this section.

(c) Notwithstanding the provisions of K.S.A. 79-4801 et seq., and K.S.A. 74-8711, and amendments thereto, all net profits, received from the sale of veterans benefit game lottery tickets, materials and games, as prescribed by rules and regulations adopted pursuant to subsection (b) of this section, shall be deposited in the state treasury and shall be used as follows: (1) An amount equal to 40% of such net profits shall be
appropriated for purposes directly benefitting members of the Kansas army and air national guard and their families to provide for Kansas national guard educational assistance act scholarships pursuant to K.S.A. 74-32,145 et seq., and amendments thereto, and, to the extent that moneys are available, for other purposes directly benefitting members of the Kansas army and air national guard and their families as provided by appropriation act;

(2) an amount equal to 30% of such net profits shall be appropriated for operating expenditures and capital improvements, or as otherwise provided by appropriation act, for the use and benefit of the Kansas veterans' home, the Kansas soldiers' home veterans care center and the state veterans cemetery system; and

(3) an amount equal to 30% of such net profits from: (A) July 1, 2008, to June 30, 2010, shall be appropriated for the museum of the Kansas national guard to expand the museum facility to include a 35th Infantry Division Museum and a museum education center as provided by appropriation act; and (B) from and after July 1, 2010, shall be appropriated for a veterans enhanced service delivery program.

(d) The Kansas lottery commission shall change the design or theme of the veterans benefit game regularly so that the game remains competitive with the other instant lottery scratch-off games offered by such commission. The tickets for the instant lottery game authorized by this section shall clearly state that the profits derived from the game shall be used to benefit veterans and veterans issues in this state.

Sec. 21. K.S.A. 75-3036a is hereby amended to read as follows: 75-3036a. No moneys appropriated from the general fund for any correctional institution, as defined in K.S.A. 75-5202(d), and amendments thereto, any institution, as defined in K.S.A. 76-12a01(b), and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home veterans care center, the Kansas state school for the visually handicapped, or the Kansas state school for the deaf, shall be used for the purchase of identifiable imported meats.

Sec. 22. K.S.A. 2013 Supp. 75-3728e is hereby amended to read as follows: 75-3728e. As used in this act, unless the context otherwise requires:

(a) "Canteen" means a retail store which offers for sale items of necessity, comfort and morale which otherwise are not accessible to persons in the environment of a state institution.

(b) "Canteen fund" means the moneys and other assets used for operation of a canteen.

(c) "Benefit fund" means the moneys and other assets available:

(1) To provide property, services or entertainment for persons in a state institution or in the legal custody of the secretary of corrections;
(2) to provide incentives for program and work participation and
performance and other activities related to offender management for
persons in the legal custody of the secretary of corrections; or
(3) for other purposes that benefit persons in a state institution or in
the legal custody of the secretary of corrections.
(d) "Work therapy project" means a sheltered workshop or other
similar vocational training activity provided by a state institution, whether
on or off campus.
(e) "Work therapy fund" means the moneys and other assets used to
operate a work therapy project for persons in a state institution.
(f) "State institution" means:
(1) Any institution as defined by K.S.A. 2013 Supp. 38-2302, K.S.A.
75-5202 or 76-12a01, and amendments thereto;
(2) the Kansas state school for the blind;
(3) the Kansas state school for the deaf; and
(4) the Kansas veterans' home and the Kansas soldiers' home
veterans care center, which are operated and administered by the Kansas
commission on veterans affairs.
Sec. 23. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as
follows: 75-4362. (a) The director of the division of personnel services of
the department of administration shall have the authority to establish and
implement a drug screening program for persons taking office as governor,
lieutenant governor, attorney general or members of the Kansas senate or
house of representatives and for applicants for safety sensitive positions in
state government, but no applicant for a safety sensitive position shall be
required to submit to a test as a part of this program unless the applicant is
first given a conditional offer of employment.
(b) The director also shall have the authority to establish and
implement a drug screening program based upon a reasonable suspicion of
illegal drug use by any person currently holding one of the following
positions or offices:
(1) The office of governor, lieutenant governor or attorney general;
(2) members of the Kansas senate or house of representatives;
(3) any safety sensitive position;
(4) any position in an institution of mental health, as defined in
K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive
position;
(5) any position in the Kansas state school for the blind, as
established under K.S.A. 76-1101 et seq., and amendments thereto;
(6) any position in the Kansas state school for the deaf, as established
under K.S.A. 76-1001 et seq., and amendments thereto; or
(7) any employee of a state veteran's home, the Kansas veterans care
center operated by the Kansas commission on veteran's affairs as
described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., section 1, and amendments thereto.

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

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

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

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

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

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

(g) "Safety sensitive positions" means the following:

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

(2) all state corrections officers;

(3) all state parole officers;

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

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

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

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

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and
Sec. 24. K.S.A. 2013 Supp. 75-7435 is hereby amended to read as follows: 75-7435. (a) As used in this section unless the context requires otherwise:

1. Words and phrases have the meanings respectively ascribed thereto by K.S.A. 39-923, and amendments thereto.

2. "Skilled nursing care facility" means a licensed nursing facility, nursing facility for mental health as defined in K.S.A. 39-923, and amendments thereto, or a hospital long-term care unit licensed by the department of health and environment, providing skilled nursing care, but shall not include the Kansas soldiers' home or the Kansas veterans' home veterans care center.

3. "Licensed bed" means those beds within a skilled nursing care facility which the facility is licensed to operate.

4. "Agent" means the Kansas department for aging and disability services.

5. "Continuing care retirement facility" means a facility holding a certificate of registration issued by the commissioner of insurance pursuant to K.S.A. 40-2235, and amendments thereto.

(b) (1) Except as otherwise provided in this section and in subsection (f), there is hereby imposed and the secretary of health and environment shall assess an annual assessment per licensed bed, hereinafter called a quality care assessment, on each skilled nursing care facility. The assessment on all facilities in the aggregate shall be an amount fixed by rules and regulations of the secretary of health and environment, shall not exceed $1,950 annually per licensed bed, shall be imposed as an amount per licensed bed and shall be imposed uniformly on all skilled nursing care facilities except that the assessment rate for skilled nursing care facilities that are part of a continuing care retirement facility, small skilled nursing care facilities and high medicaid volume skilled nursing care facilities shall not exceed 1/6 of the actual amount assessed all other skilled nursing care facilities. No rules and regulations of the secretary of health and environment shall grant any exception to or exemption from the quality care assessment. The assessment shall be paid quarterly, with one fourth of the annual amount due by the 30th day after the end of the month of each calendar quarter. The secretary of health and environment is authorized to establish delayed payment schedules for skilled nursing care facilities which are unable to make quarterly payments when due under this section due to financial difficulties, as determined by the secretary of health and environment. As used in this subsection (b)(1), the terms "small skilled nursing care facilities" and "high medicaid volume skilled nursing care facilities" shall have the meanings ascribed thereto by the secretary of health and environment by rules and regulations, except that the definition
of small skilled nursing care facility shall not be lower than 40 beds.

(2) Beds licensed after July 1 each year shall pay a prorated amount of the applicable annual assessment so that the assessment applies only for the days such new beds are licensed. The proration shall be calculated by multiplying the applicable assessment by the percentage of days the beds are licensed during the year. Any change which reduces the number of licensed beds in a facility shall not result in a refund being issued to the skilled nursing care facility.

(3) If an entity conducts, operates or maintains more than one licensed skilled nursing care facility, the entity shall pay the nursing facility assessment for each facility separately. No skilled nursing care facility shall create a separate line-item charge for the purpose of passing through the quality care assessment to residents. No skilled nursing care facility shall be guaranteed, expressly or otherwise, that any additional moneys paid to the facility under this section will equal or exceed the amount of its quality care assessment.

(4) The payment of the quality care assessment to the secretary of health and environment shall be an allowable cost for medicaid reimbursement purposes. A rate adjustment pursuant to paragraph (5) of subsection (d) shall be made effective on the date of imposition of the assessment, to reimburse the portion of this cost imposed on medicaid days.

(5) The secretary of health and environment shall seek a waiver from the United States department of health and human services to allow the state to impose varying levels of assessments on skilled nursing care facilities based on specified criteria. It is the intent of the legislature that the waiver sought by the secretary of health and environment be structured to minimize the negative fiscal impact on certain classes of skilled nursing care facilities.

(c) Each skilled nursing care facility shall prepare and submit to the secretary of health and environment any additional information required and requested by the secretary of health and environment to implement or administer the provisions of this section. Each skilled nursing care facility shall prepare and submit quarterly to the secretary for aging and disability services the rate the facility charges to private pay residents, and the secretary shall cause this information to be posted on the web site of the department for aging and disability services.

(d) (1) There is hereby created in the state treasury the quality care fund, which shall be administered by the secretary of health and environment. All moneys received for the assessments imposed pursuant to subsection (b), including any penalty assessments imposed thereon pursuant to subsection (e), shall be remitted to the state treasurer in accordance with 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 quality care fund. All expenditures from the quality care 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 secretary of health and environment or the secretary's agent.

(2) All moneys in the quality care fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas. No moneys credited to the quality care fund shall be transferred to or otherwise revert to the state general fund at any time. Notwithstanding the provisions of any other law to the contrary, if any moneys credited to the quality care fund are transferred or otherwise revert to the state general fund, 30 days following the transfer or reversion the quality care assessment shall terminate and the secretary of health and environment shall discontinue the imposition, assessment and collection of the assessment. Upon termination of the assessment, all collected assessment revenues, including the moneys inappropriately transferred or reverting to the state general fund, less any amounts expended by the secretary of health and environment, shall be returned on a pro rata basis to skilled nursing care facilities that paid the assessment.

(3) Any moneys received by the state of Kansas from the federal government as a result of federal financial participation in the state medicaid program that are derived from the quality care assessment shall be deposited in the quality care fund and used to finance actions to maintain or increase healthcare in skilled nursing care facilities.

(4) Moneys in the fund shall be used exclusively for the following purposes:

(A) To pay administrative expenses incurred by the secretary of health and environment or the agent in performing the activities authorized by this section, except that such expenses shall not exceed a total of 1% of the aggregate assessment funds collected pursuant to subsection (b) for the prior fiscal year;

(B) to increase nursing facility payments to fund covered services to medicaid beneficiaries within medicare upper payment limits, as may be negotiated;

(C) to reimburse the medicaid share of the quality care assessment as a pass-through medicaid allowable cost;

(D) to restore the medicaid rate reductions implemented January 1, 2010;

(E) to restore funding for fiscal year 2010, including rebasing and inflation to be applied to rates in fiscal year 2011;

(F) the remaining amount, if any, shall be expended first to increase
the direct health care costs center limitation up to 150% of the case mix adjusted median, and then, if there are remaining amounts, for other quality care enhancement of skilled nursing care facilities as approved by the quality care improvement panel but shall not be used directly or indirectly to replace existing state expenditures for payments to skilled nursing care facilities for providing services pursuant to the state medicaid program.

(5) Any moneys received by a skilled nursing care facility from the quality care fund shall not be expended by any skilled nursing care facility to provide for bonuses or profit-sharing for any officer, employee or parent corporation but may be used to pay to employees who are providing direct care to a resident of such facility.

(6) Adjustment payments may be paid quarterly or within the daily medicaid rate to reimburse covered medicaid expenditures in the aggregate within the upper payment limits.

(7) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the quality care fund interest earnings based on:
   (A) The average daily balance of moneys in the quality care fund for the preceding month; and
   (B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) If a skilled nursing care facility fails to pay the full amount of the quality care assessment imposed pursuant to subsection (b), when due and payable, including any extensions of time granted under that subsection, the secretary of health and environment shall assess a penalty in the amount of the lesser of $500 per day or 2% of the quality care assessment owed for each day the assessment is delinquent. The secretary of health and environment is authorized to establish delayed payment schedules for skilled nursing care facilities that are unable to make installment payments when due under this section because of financial difficulties, as determined by the secretary of health and environment.

(f) (1) The secretary of health and environment shall assess and collect quality care assessments imposed pursuant to subsection (b), including any penalty assessments imposed thereon pursuant to subsection (e), from skilled nursing care facilities on and after July 1, 2010, except that no assessments or penalties shall be assessed under subsections (a) through (h) until:
   (A) An amendment to the state plan for medicaid, which increases the rates of payments made to skilled nursing care facilities for providing services pursuant to the federal medicaid program and which is proposed for approval for purposes of subsections (a) through (h) is approved by the federal government in which case the initial assessment is due no earlier
than 60 days after state plan approval; and

(B) the skilled nursing care facilities have been compensated retroactively within 60 days after state plan approval at the increased rate for services provided pursuant to the federal medicaid program for the period commencing on and after July 1, 2010.

(2) The secretary of health and environment shall implement and administer the provisions of subsections (a) through (h) in a manner consistent with applicable federal medicaid laws and regulations. The secretary of health and environment shall seek any necessary approvals by the federal government that are required for the implementation of subsections (a) through (h).

(3) The provisions of subsections (a) through (h) shall be null and void and shall have no force and effect if one of the following occur:

(A) The medicaid plan amendment, which increases the rates of payments made to skilled nursing care facilities for providing services pursuant to the federal medicaid program and which is proposed for approval for purposes of subsections (a) through (h) is not approved by the federal centers for medicare and medicaid services;

(B) the rates of payments made to skilled nursing care facilities for providing services pursuant to the federal medicaid program are reduced below the rates calculated on December 31, 2009, increased by revenues in the quality care fund and matched by federal financial participation and rebasing as provided for in K.S.A. 2013 Supp. 75-5958, and amendments thereto;

(C) any funds are utilized to supplant funding for skilled nursing care facilities as required by subsection (g);

(D) any funds are diverted from those purposes set forth in subsection (d)(4); or

(E) upon the governor signing, or allowing to become law without signature, legislation which by proviso or otherwise directs any funds from those purposes set forth in subsection (d)(4) or which would propose to suspend the operation of this section.

(g) On and after July 1, 2010, reimbursement rates for skilled nursing care facilities shall be restored to those in effect during December 2009. No funds generated by the assessments or federal funds generated therefrom shall be utilized for such restoration, but such funds may be used to restore the rate reduction in effect from January 1, 2010, to June 30, 2010.

(h) Rates of reimbursement shall not be limited by private pay charges.

(i) If the provisions of subsections (a) through (h) are repealed, expire or become null and void and have no further force and effect, all moneys in the quality care fund which were paid under the provisions of
subsections (a) through (h) shall be returned to the skilled nursing care
facilities which paid such moneys on the basis on which such payments
were assessed and paid pursuant to subsections (a) through (h).

(j) The department of health and environment may adopt rules and
regulations necessary to implement the provisions of this section.

(k) For purposes of administering and selecting the reimbursements
of moneys in the quality care assessment fund, the quality care
improvement panel is hereby established. The panel shall consist of the
following members: Two persons appointed by Kansas homes and services
for the aging; two persons appointed by the Kansas health care association;
one person appointed by Kansas advocates for better care; one person
appointed by the Kansas hospital association; one person appointed by the
governor who is a member of the Kansas adult care executives association;
one person appointed by the governor who is a skilled nursing care facility
resident or the family member of such a resident; one person appointed by
the Kansas foundation for medical care; one person appointed by the
governor from the department for aging and disability services; and one
person appointed by the governor from the department of health and
environment. The person appointed by the governor from the department
for aging and disability services and the person appointed by the governor
from the department of health and environment shall be nonvoting
members of the panel. The panel shall meet as soon as possible subsequent
to the effective date of this act and shall elect a chairperson from among
the members appointed by the trade organizations specified in this
subsection. The members of the quality care improvement panel shall
serve without compensation or expenses. The quality care improvement
panel shall report annually on or before January 10 to the legislature
concerning the activities of the panel during the preceding calendar year
and any recommendations which the panel may have concerning the
administration of and expenditures from the quality care assessment fund.

(l) The provisions of this section shall expire on July 1, 2016.

Sec. 25. K.S.A. 2013 Supp. 76-172 is hereby amended to read as
follows: 76-172. As used in this act unless the context otherwise requires,
"institution" means:

(a) Any institution as defined by K.S.A. 2013 Supp. 38-2302, K.S.A.
75-5202 or 76-12a01, and amendments thereto;
(b) the Kansas state school for the blind;
(c) the Kansas state school for the deaf; and
(d) the Kansas veterans' home and the Kansas soldiers' home
veterans care center which are operated and administered by the Kansas
commission on veterans affairs.

Sec. 26. K.S.A. 2013 Supp. 76-381 is hereby amended to read as
follows: 76-381. As used in K.S.A. 76-380 through 76-386, and
amendments thereto:

(a) "Act" means the medical student loan act;

(b) "approved postgraduate residency training program" means a residency training program in general pediatrics, general internal medicine, family medicine, family practice, emergency medicine or fellowship training in geriatric medicine;

(c) "service commitment area" means (1) any community within any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county, (2) any state medical care facility or institution, (3) any medical center operated by the veterans administration of the United States, or (4) the full-time faculty of the university of Kansas school of medicine in family medicine or family practice; or (5) any community within Wyandotte county for purposes of any practice obligation under an agreement entered into by a person who is enrolled for the first time after July 1, 2004, in a course of study leading to the medical degree; and

(d) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the visually handicapped, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, any institution under the commissioner of juvenile justice as defined by K.S.A. 2013 Supp. 38-2302, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home, the Kansas veterans care center and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711, and amendments thereto, except as specifically provided by statute.

Sec. 27. K.S.A. 76-1951 is hereby amended to read as follows:

(a) On and after January 1, 1998, The Kansas commission on veterans affairs shall operate a facility for the Kansas veterans care center to be located on the grounds of Winfield state hospital and training center. The commission on veterans affairs and the secretary of social and rehabilitation 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 Kansas commission on veterans affairs for the purpose of establishing and operating a facility for the Kansas veterans care center. 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 Kansas commission on veterans affairs shall have full control
of the Kansas veterans' home veterans care center, and any facilities thereof, the property, effects, supervision and management of the home.

(c) The Kansas commission on veterans affairs 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 veterans care center, which shall be known as the Kansas veterans' home long-term care veterans care center annex. The Kansas veterans' home long-term care veterans care center annex shall be operated as a part of the Kansas veterans' home veterans care center and shall be construed to be part of the Kansas veterans' home veterans care center for all purposes under statutes governing or referring to the Kansas veterans' home veterans care center.

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


Sec. 29. This act shall take effect and be in force from and after its publication in the statute book.