

HOUSE BILL No. 2657

By Committee on Veterans, Military and Homeland Security

2-12

1 AN ACT concerning veterans; relating to the Kansas commission on
2 veterans affairs; unifying the Kansas soldiers' home and the Kansas
3 veterans' home; establishing the Kansas veteran care center; amending
4 K.S.A. 73-1207, 75-3036a, 76-1901 and 76-1951 and K.S.A. 2013
5 Supp. 39-970, 40-3414, 73-1210a, 73-1233, 74-4914, 74-8724, 75-
6 3728e, 75-4362, 75-7435, 76-172 and 76-381 and repealing the existing
7 sections; also repealing K.S.A. 76-1904, 76-1904a, 76-1904b, 76-1908,
8 76-1927, 76-1928, 76-1929, 76-1930, 76-1931, 76-1932, 76-1933, 76-
9 1935, 76-1935a, 76-1936, 76-1940, 76-1941, 76-1952, 76-1954, 76-
10 1955, 76-1956, 76-1957 and 76-1958 and K.S.A. 2013 Supp. 76-1906,
11 76-1939 and 76-1953.

12

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

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

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

27 New Sec. 3. The Kansas commission on veterans affairs shall
28 establish rates of charges to be made to members and patients of the
29 Kansas veterans care center. The charges in the first year of operation of
30 the Kansas veterans care center shall not exceed an amount equal to the
31 per diem cost of care for the Kansas soldiers' home or the Kansas veterans'
32 home, as applicable, for the preceding year or the charge made against
33 patients under K.S.A. 59-2006, and amendments thereto, whichever is less,
34 and thereafter the charges shall not exceed an amount equal to the per
35 diem cost of care for the Kansas veterans care center for the preceding
36 year or the charge made against patients under K.S.A. 59-2006, and

1 amendments thereto, whichever is the lesser amount. No action shall be
2 commenced by the Kansas commission on veterans affairs against a
3 member or patient or the estate of a member or patient for the recovery of
4 any such charges unless such action is commenced within five years after
5 the date such charges are incurred. The commission may compromise and
6 settle any claim for charges under this section, and may, upon payment of
7 a valuable consideration by the member or patient or the estate of the
8 member or patient, discharge and release such member, patient or estate of
9 any or all past liability incurred under this section due or claim to be due
10 from a member or a patient or the estate of the member or patient, no
11 action shall thereafter be brought or claim made for any amounts due for
12 charges incurred prior to the effective date of the agreement entered into,
13 except for the amounts provided for in the agreement. Nothing in this act
14 shall be deemed to extend the period specified in K.S.A. 59-2239, and
15 amendments thereto, for the purposes therein specified.

16 New Sec. 4. (a) There is hereby created in the state treasury the
17 Kansas veterans care center fee fund. All expenditures from such fund
18 shall be made in accordance with appropriation acts upon warrants of the
19 director of accounts and reports issued pursuant to vouchers approved by
20 the executive director of the Kansas commission on veterans affairs or by a
21 person or persons designated by the executive director.

22 (b) On July 1, 2014, the director of accounts and reports shall transfer
23 all moneys in the soldiers' home fee fund, created under K.S.A. 76-1906,
24 prior to its repeal, and the veterans' home fee fund, created under K.S.A.
25 76-1953, prior to its repeal, to the Kansas veterans care center fee fund. On
26 July 1, 2014, all liabilities of the soldiers' home fee fund and the veterans'
27 home fee fund are hereby imposed on the Kansas veterans care center fee
28 fund, and the soldiers' home fee fund and the veterans' home fee fund are
29 hereby abolished. Any reference to such funds abolished by this section in
30 any statute, contract or other document shall be deemed to refer to the
31 Kansas veterans care center fee fund.

32 (c) The superintendent of the Kansas veterans care center shall remit
33 all moneys received by or for the superintendent under sections 1 through
34 12, and amendments thereto, under article 19 of chapter 76 of the Kansas
35 Statutes Annotated, and amendments thereto, and all moneys received
36 from the United States department of veterans affairs for reimbursements
37 for the care of residents to the state treasurer in accordance with the
38 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
39 each such remittance, the state treasurer shall deposit the entire amount in
40 the state treasury to the credit of the Kansas veterans care center fee fund.
41 All expenditures from such fund shall be made in accordance with
42 appropriation acts upon warrants of the director of accounts and reports
43 issued pursuant to vouchers approved by the executive director of the

1 Kansas commission on veterans affairs or by a person or persons
2 designated by the executive director.

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

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

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

20 (b) No person shall be admitted to the Kansas veterans care center
21 except upon application to the commission and approval of the application
22 by the commission. No applicant shall be admitted to the Kansas veterans
23 care center who has not been an actual resident of the state of Kansas for at
24 least two years next preceding the date of application.

25 (c) No person shall be admitted to or retained in the Kansas veterans
26 care center who has been convicted of a felony, unless the commission
27 finds that such person has been adequately rehabilitated and is not
28 dangerous to oneself or to the person or property of others.

29 (d) No child shall be admitted to or retained in the Kansas veterans
30 care center who is 16 years of age or over, unless such child is incapable of
31 supporting oneself.

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

34 (f) The Kansas commission on veterans affairs shall have authority by
35 resolution to discharge any member from the Kansas veterans care center
36 on a showing that the member has gained admittance into the Kansas
37 veterans care center by misrepresentation of the member's financial or
38 physical condition, or a showing that the financial or physical condition of
39 such member has been so altered since admittance so that the further
40 maintenance of the member in the Kansas veterans care center is not
41 justified. No such member shall be discharged without notice and
42 opportunity to be heard in accordance with the provisions of the Kansas
43 administrative procedure act.

1 (g) The rules and regulations for admission of members to the Kansas
2 veterans care center:

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

7 (2) shall require that an applicant for admission be given priority over
8 patients transferred from state institutions under the provisions of section
9 9, and amendments thereto.

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

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

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

24 (d) If any member shall seek an injunction or restraining order to
25 restrain the Kansas commission on veterans affairs or the officers of the
26 Kansas veterans care center, and any facilities thereof, from enforcing such
27 rules and regulations or to restrain disciplinary action, during the pendency
28 of such legal proceedings, such member and the member's dependents, if
29 any, shall not be entitled to draw subsistence or rations as provided for by
30 such home.

31 (e) If any member of the Kansas veterans care center, and any
32 facilities thereof, shall refuse to vacate the premises upon receiving a
33 furlough from the officers designated to enforce the rules and regulations,
34 such refusal shall constitute a forfeiture of such member's right to remain
35 in the home and such member shall be discharged by the Kansas
36 commission on veterans affairs.

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

43 (g) The word "member" as used in this act shall refer to any person

1 legally admitted as a member or any dependent of such member, or any
2 person drawing subsistence or quarters in the Kansas veterans care center
3 for any reason whatsoever, except the employees of the Kansas veterans
4 care center. The word "member" shall not include any person transferred to
5 the Kansas veterans care center from any state hospital or training school.

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

14 New Sec. 8. (a) The custodian of the members and patients trust fund
15 at the Kansas veterans care center shall notify the executive director of the
16 Kansas commission on veterans affairs of any moneys which are under the
17 custodian's charge belonging to members who have died intestate, without
18 known heirs or designated beneficiaries for funds on deposit, and the
19 executive director shall publish a notice for two consecutive weeks in the
20 Kansas register which shall state the name of each deceased member, their
21 last known home address and the amount of the deposit remaining in the
22 account of such former member; and such notice shall further state that
23 unless interested persons appear and file a legitimate claim within one year
24 after the date of the last publication of such notice, such amount or
25 amounts will be transferred to the Kansas veterans care center fee fund to
26 help defray unrecovered costs connected with the maintenance and
27 operation of the Kansas veterans care center and for accounting, auditing,
28 budgeting, legal, payroll, personnel and purchasing services which are
29 performed on behalf of such agency by other state agencies.

30 (b) Unless a party entitled thereto makes claim within the time stated
31 in the notice, the balance in any former member's fund as so published for
32 which no claim is made as prescribed in this section shall be transferred as
33 provided in this section. Thereafter, unless a claim is filed with the Kansas
34 commission on veterans affairs within two years after such transfer is
35 made, no claim may be made or filed for such former member's fund
36 except that a person under legal disability during the two-year period may
37 file a claim within one year after removal of the disability. The Kansas
38 commission on veterans affairs is hereby authorized to make payments to
39 claimants it shall determine are entitled thereto, if such claims otherwise
40 comply with the terms of sections 1 through 12, and amendments thereto,
41 and such payments shall be authorized from the general fees fund of the
42 Kansas veterans care center, to which the former member's funds were
43 transferred.

1 New Sec. 9. (a) The commissioner of mental health and
2 developmental disabilities of the Kansas department for aging and
3 disability services, with the approval of the secretary for aging and
4 disability services and the Kansas commission on veterans affairs, may
5 transfer patients in the state hospitals in Osawatomie and Larned and
6 patients in the Rainbow mental health facility and the Parsons state
7 hospital who have served in the military or naval forces of the United
8 States or whose husband, wife, father, son or daughter has served in the
9 active military or naval service of the United States during any period of
10 any war as defined in section 5, and amendments thereto, and was
11 discharged or relieved therefrom under conditions other than dishonorable,
12 to the Kansas veterans care center. No patient who is such a mentally ill
13 person, in the opinion of the commissioner of mental health and
14 developmental disabilities, that because of such patient's illness such
15 patient is likely to injure oneself or others shall be so transferred to the
16 Kansas veterans care center, and no such patient shall be so transferred if
17 such transfer will deny admission to persons entitled to admission under
18 section 5, and amendments thereto, and rules and regulations promulgated
19 thereunder. Persons so transferred shall not be considered as members of
20 the Kansas veterans care center but shall be considered as patients therein.

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

32 New Sec. 10. The Kansas commission on veterans affairs shall not
33 engage in farming operations on the farm land which is part of the lands of
34 the Kansas veterans care center, except that the Kansas commission on
35 veterans affairs may engage in and permit vegetable gardening on a
36 portion of such lands. All such farm lands not needed or used for vegetable
37 gardening shall be rented or leased, for a period not to exceed five years,
38 by the Kansas commission on veterans affairs, except that if the Kansas
39 state university of agriculture and applied science shall request that such
40 lands be rented or leased to it for agricultural experimental purposes, it
41 shall be given preference when such lands are rented or leased. Any such
42 rental or lease agreement shall not include any buildings or improvements
43 other than irrigation pumps and facilities. All moneys derived from the

1 lease or rental of such farm lands shall be remitted to the state treasurer in
2 accordance with the provisions of K.S.A. 75-4215, and amendments
3 thereto. Upon receipt of each such remittance, the state treasurer shall
4 deposit the entire amount in the state treasury to the credit of the Kansas
5 veterans care center fee fund for the use of the Kansas veterans care center.

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

14 (b) Except as otherwise provided in this act, the superintendent of the
15 Kansas veterans care center provided for by this act, shall be the successor
16 in every way to the powers, duties and functions of the superintendent of
17 the Kansas soldiers' home and the superintendent of the Kansas veterans'
18 home abolished by this act, in which the same were vested prior to July 1,
19 2014. Every act performed in the exercise of such powers, duties and
20 functions by or under the authority of the superintendent of the Kansas
21 veterans care center provided for by this act, shall be deemed to have the
22 same force and effect as if performed by the superintendent of the Kansas
23 soldiers' home and the superintendent of the Kansas veterans' home
24 abolished by this act in which the authority to perform such powers, duties
25 and functions were vested prior to July 1, 2014. The superintendent of the
26 Kansas veterans care center provided for by this act shall be a continuation
27 of the superintendent of the Kansas soldiers' home and the superintendent
28 of the Kansas veterans' home abolished by this act.

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

35 New Sec. 12. (a) The Kansas commission on veterans affairs may
36 enter into a written contract with any individual who is eligible for
37 admission to the Kansas veterans care center under section 5, and
38 amendments thereto, to authorize the construction of a single-family
39 dwelling for use as a home for such individual and such individual's family
40 members on the real property of the Kansas veterans care center in
41 accordance with rules and regulations adopted by the Kansas commission
42 on veterans affairs under this section. Each such dwelling shall be
43 constructed and maintained (1) at the expense of the individual entering

1 into a contract with the commission under this section, including any
2 required sewer, water and utility connections, (2) at a location on the real
3 property of the Kansas veterans care center approved in accordance with
4 rules and regulations adopted by the commission under this section, and
5 (3) in accordance with the building design, construction and materials
6 standards as authorized or prescribed by rules and regulations adopted by
7 the commission under this section.

8 (b) The Kansas commission on veterans affairs shall grant a life
9 estate to each individual who enters into a contract under this section and
10 who constructs a dwelling at the Kansas veterans care center in accordance
11 with this section and the rules and regulations adopted by the commission
12 under this section. The life estate shall be for the dwelling and the tract of
13 real property that the dwelling is constructed on, as specified in the
14 contract entered into under this section, for the life of the individual and
15 the lives of such individual's family members who are residing in the
16 dwelling. Each life estate granted by the commission under this section
17 shall be approved as to form and legality by the attorney general.

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

23 (d) The Kansas commission on veterans affairs shall adopt rules and
24 regulations prescribing policies and procedures for the construction and
25 maintenance of single-family dwellings on the real estate of the Kansas
26 veterans care center, prescribing building design, construction and
27 materials standards for such dwellings, and for such other matters as may
28 be required for the implementation and administration of this section. No
29 rule and regulation shall be adopted by the Kansas commission on veterans
30 affairs under this subsection unless the Kansas commission on veterans
31 affairs first has advised and consulted with the joint committee on state
32 building construction and has presented such proposed rule and regulation
33 to the joint committee on state building construction.

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

40 Sec. 13. K.S.A. 76-1901 is hereby amended to read as follows: 76-
41 1901. The institution established upon the Fort Dodge military reservation
42 shall be known as "~~the Kansas soldiers' home~~ *veterans care center*," and
43 any reference to the Kansas soldiers' home, or Mother Bickerdyke annex,

1 or to the "Kansas soldiers' home and Mother Bickerdyke annex" in any
2 law of this state shall be construed as referring to the Kansas soldiers'
3 home and any and all statutory provisions made for the Mother Bickerdyke
4 annex shall be construed as referring to the Kansas ~~soldiers' home~~ *veterans*
5 *care center*.

6 Sec. 14. K.S.A. 2013 Supp. 39-970 is hereby amended to read as
7 follows: 39-970. (a) (1) No person shall knowingly operate an adult care
8 home if, in the adult care home, there works any person who has been
9 convicted of or has been adjudicated a juvenile offender because of having
10 committed an act which if done by an adult would constitute the
11 commission of capital murder, pursuant to K.S.A. 21-3439, prior to its
12 repeal, or K.S.A. 2013 Supp. 21-5401, and amendments thereto, first
13 degree murder, pursuant to K.S.A. 21-3401, prior to its repeal, or K.S.A.
14 2013 Supp. 21-5402, and amendments thereto, second degree murder,
15 pursuant to subsection (a) of K.S.A. 21-3402, prior to its repeal, or
16 subsection (a) of K.S.A. 2013 Supp. 21-5403, and amendments thereto,
17 voluntary manslaughter, pursuant to K.S.A. 21-3403, prior to its repeal, or
18 K.S.A. 2013 Supp. 21-5404, and amendments thereto, assisting suicide
19 pursuant to K.S.A. 21-3406, prior to its repeal, or K.S.A. 2013 Supp. 21-
20 5407, and amendments thereto, mistreatment of a dependent adult,
21 pursuant to K.S.A. 21-3437, prior to its repeal, or K.S.A. 2013 Supp. 21-
22 5417, and amendments thereto, rape, pursuant to K.S.A. 21-3502, prior to
23 its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto,
24 indecent liberties with a child, pursuant to K.S.A. 21-3503, prior to its
25 repeal, or subsection (a) of K.S.A. 2013 Supp. 21-5506, and amendments
26 thereto, aggravated indecent liberties with a child, pursuant to K.S.A. 21-
27 3504, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5506,
28 and amendments thereto, aggravated criminal sodomy, pursuant to K.S.A.
29 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-
30 5504, and amendments thereto, indecent solicitation of a child, pursuant to
31 K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp.
32 21-5508, and amendments thereto, aggravated indecent solicitation of a
33 child, pursuant to K.S.A. 21-3511, prior to its repeal, or subsection (b) of
34 K.S.A. 2013 Supp. 21-5508, and amendments thereto, sexual exploitation
35 of a child, pursuant to K.S.A. 21-3516, prior to its repeal, or K.S.A. 2013
36 Supp. 21-5510, and amendments thereto, sexual battery, pursuant to
37 K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2013 Supp.
38 21-5505, and amendments thereto, or aggravated sexual battery, pursuant
39 to K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2013
40 Supp. 21-5505, and amendments thereto, an attempt to commit any of the
41 crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3301, prior to
42 its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments thereto, a
43 conspiracy to commit any of the crimes listed in this subsection (a)(1),

1 pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-
2 5302, and amendments thereto, or criminal solicitation of any of the
3 crimes listed in this subsection (a)(1), pursuant to K.S.A. 21-3303, prior to
4 its repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto, or
5 similar statutes of other states or the federal government. The provisions of
6 subsection (a)(2)(C) shall not apply to any person who is employed by an
7 adult care home on July 1, 2010 and while continuously employed by the
8 same adult care home.

9 (2) A person operating an adult care home may employ an applicant
10 who has been convicted of any of the following if five or more years have
11 elapsed since the applicant satisfied the sentence imposed or was
12 discharged from probation, a community correctional services program,
13 parole, postrelease supervision, conditional release or a suspended
14 sentence; or if five or more years have elapsed since the applicant has been
15 finally discharged from the custody of the commissioner of juvenile justice
16 or from probation or has been adjudicated a juvenile offender, whichever
17 time is longer: A felony conviction for a crime which is described in: (A)
18 Article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their
19 repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or
20 K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and
21 amendments thereto, except those crimes listed in subsection (a)(1); (B)
22 articles 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to
23 their repeal, or article 55 or 56 of chapter 21 of the Kansas Statutes
24 Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and
25 amendments thereto, except those crimes listed in subsection (a)(1) and
26 K.S.A. 21-3605, prior to its repeal, or K.S.A. 2013 Supp. 21-5606, and
27 amendments thereto; (C) K.S.A. 21-3701, prior to its repeal, or K.S.A.
28 2013 Supp. 21-5801, and amendments thereto; (D) an attempt to commit
29 any of the crimes listed in this subsection (a)(2) pursuant to K.S.A. 21-
30 3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and amendments
31 thereto; (E) a conspiracy to commit any of the crimes listed in subsection
32 (a)(2) pursuant to K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp.
33 21-5302, and amendments thereto; (F) criminal solicitation of any of the
34 crimes listed in subsection (a)(2) pursuant to K.S.A. 21-3303, prior to its
35 repeal, or K.S.A. 2013 Supp. 21-5303, and amendments thereto; or (G)
36 similar statutes of other states or the federal government.

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

42 (c) The secretary of health and environment shall have access to any
43 criminal history record information in the possession of the Kansas bureau

1 of investigation regarding any criminal history information, convictions
2 under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their repeal, or
3 K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-5801, and
4 amendments thereto, adjudications of a juvenile offender which if
5 committed by an adult would have been a felony conviction, and
6 adjudications of a juvenile offender for an offense described in K.S.A. 21-
7 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
8 5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,
9 concerning persons working in an adult care home. The secretary shall
10 have access to these records for the purpose of determining whether or not
11 the adult care home meets the requirements of this section. The Kansas
12 bureau of investigation may charge to the department of health and
13 environment a reasonable fee for providing criminal history record
14 information under this subsection.

15 (d) For the purpose of complying with this section, the operator of an
16 adult care home shall request from the department of health and
17 environment information regarding any criminal history information,
18 convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their
19 repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-
20 5801, and amendments thereto, adjudications of a juvenile offender which
21 if committed by an adult would have been a felony conviction, and
22 adjudications of a juvenile offender for an offense described in K.S.A. 21-
23 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
24 5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,
25 and which relates to a person who works in the adult care home, or is
26 being considered for employment by the adult care home, for the purpose
27 of determining whether such person is subject to the provision of this
28 section. For the purpose of complying with this section, the operator of an
29 adult care home shall receive from any employment agency which
30 provides employees to work in the adult care home written certification
31 that such employees are not prohibited from working in the adult care
32 home under this section. For the purpose of complying with this section,
33 information relating to convictions and adjudications by the federal
34 government or to convictions and adjudications in states other than Kansas
35 shall not be required until such time as the secretary of health and
36 environment determines the search for such information could reasonably
37 be performed and the information obtained within a two-week period. For
38 the purpose of complying with this section, a person who operates an adult
39 care home may hire an applicant for employment on a conditional basis
40 pending the results from the department of health and environment of a
41 request for information under this subsection. No adult care home, the
42 operator or employees of an adult care home or an employment agency, or
43 the operator or employees of an employment agency, shall be liable for

1 civil damages resulting from any decision to employ, to refuse to employ
2 or to discharge from employment any person based on such adult care
3 home's compliance with the provisions of this section if such adult care
4 home or employment agency acts in good faith to comply with this
5 section.

6 (e) The secretary of health and environment shall charge each person
7 requesting information under this section a fee equal to cost, not to exceed
8 \$10, for each name about which an information request has been submitted
9 to the department under this section.

10 (f) (1) The secretary of health and environment shall provide each
11 operator requesting information under this section with the criminal
12 history record information concerning any criminal history information
13 and convictions under K.S.A. 21-3437, 21-3517 and 21-3701, prior to their
14 repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and 21-
15 5801, and amendments thereto, in writing and within three working days
16 of receipt of such information from the Kansas bureau of investigation.
17 The criminal history record information shall be provided regardless of
18 whether the information discloses that the subject of the request has been
19 convicted of an offense enumerated in subsection (a).

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

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

37 (4) The secretary of health and environment shall not provide each
38 operator requesting information under this section with the juvenile
39 criminal history record information which relates to a person subject to a
40 background check as is provided by K.S.A. 2013 Supp. 38-2326, and
41 amendments thereto, except for adjudications of a juvenile offender for an
42 offense described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2013
43 Supp. 21-5801, and amendments thereto. The secretary shall notify the

1 operator that requested the information, in writing and within three
2 working days of receipt of such information from the Kansas bureau of
3 investigation, whether juvenile criminal history record information
4 received pursuant to this section reveals that the operator would or would
5 not be prohibited by this section from employing the subject of the request
6 for information and whether such information contains adjudications of a
7 juvenile offender for an offense described in K.S.A. 21-3701, prior to its
8 repeal, or K.S.A. 2013 Supp. 21-5801, and amendments thereto.

9 (5) An operator who receives criminal history record information
10 under this subsection (f) shall keep such information confidential, except
11 that the operator may disclose such information to the person who is the
12 subject of the request for information. A violation of this paragraph (5)
13 shall be an unclassified misdemeanor punishable by a fine of \$100.

14 (g) No person who works for an adult care home and who is currently
15 licensed or registered by an agency of this state to provide professional
16 services in the state and who provides such services as part of the work
17 which such person performs for the adult care home shall be subject to the
18 provisions of this section.

19 (h) A person who volunteers in an adult care home shall not be
20 subject to the provisions of this section because of such volunteer activity.

21 (i) An operator may request from the department of health and
22 environment criminal history information on persons employed under
23 subsections (g) and (h).

24 (j) No person who has been employed by the same adult care home
25 since July 1, 1992, shall be subject to the provisions of this section while
26 employed by such adult care home.

27 (k) The operator of an adult care home shall not be required under
28 this section to conduct a background check on an applicant for
29 employment with the adult care home if the applicant has been the subject
30 of a background check under this act within one year prior to the
31 application for employment with the adult care home. The operator of an
32 adult care home where the applicant was the subject of such background
33 check may release a copy of such background check to the operator of an
34 adult care home where the applicant is currently applying.

35 (l) No person who is in the custody of the secretary of corrections and
36 who provides services, under direct supervision in nonpatient areas, on the
37 grounds or other areas designated by the superintendent of the Kansas
38 ~~soldiers' home or the Kansas veterans' home~~ *veterans care center* shall be
39 subject to the provisions of this section while providing such services.

40 (m) For purposes of this section, the Kansas bureau of investigation
41 shall report any criminal history information, convictions under K.S.A. 21-
42 3437, 21-3517 and 21-3701, prior to their repeal, or K.S.A. 2013 Supp. 21-
43 5417, subsection (a) of 21-5505 and 21-5801, and amendments thereto,

1 adjudications of a juvenile offender which if committed by an adult would
2 have been a felony conviction, and adjudications of a juvenile offender for
3 an offense described in K.S.A. 21-3437, 21-3517 and 21-3701, prior to
4 their repeal, or K.S.A. 2013 Supp. 21-5417, subsection (a) of 21-5505 and
5 21-5801, and amendments thereto, to the secretary of health and
6 environment when a background check is requested.

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

9 Sec. 15. K.S.A. 2013 Supp. 40-3414 is hereby amended to read as
10 follows: 40-3414. (a) Any health care provider, or any health care system
11 organized and existing under the laws of this state which owns and
12 operates two or more medical care facilities licensed by the department of
13 health and environment, whose aggregate annual insurance premium is or
14 would be \$100,000 or more for basic coverage calculated in accordance
15 with rating procedures approved by the commissioner pursuant to K.S.A.
16 40-3413, and amendments thereto, may qualify as a self-insurer by
17 obtaining a certificate of self-insurance from the board of governors.
18 Upon application of any such health care provider or health care system,
19 on a form prescribed by the board of governors, the board of governors
20 may issue a certificate of self-insurance if the board of governors is
21 satisfied that the applicant is possessed and will continue to be possessed
22 of ability to pay any judgment for which liability exists equal to the
23 amount of basic coverage required of a health care provider obtained
24 against such applicant arising from the applicant's rendering of
25 professional services as a health care provider. In making such
26 determination the board of governors shall consider (1) the financial
27 condition of the applicant, (2) the procedures adopted and followed by the
28 applicant to process and handle claims and potential claims, (3) the
29 amount and liquidity of assets reserved for the settlement of claims or
30 potential claims and (4) any other relevant factors. The certificate of self-
31 insurance may contain reasonable conditions prescribed by the board of
32 governors. Upon notice and a hearing in accordance with the provisions of
33 the Kansas administrative procedure act, the board of governors may
34 cancel a certificate of self-insurance upon reasonable grounds therefor.
35 Failure to pay any judgment for which the self-insurer is liable arising
36 from the self-insurer's rendering of professional services as a health care
37 provider, the failure to comply with any provision of this act or the failure
38 to comply with any conditions contained in the certificate of self-insurance
39 shall be reasonable grounds for the cancellation of such certificate of self-
40 insurance. The provisions of this subsection shall not apply to the Kansas
41 ~~soldiers' home, the Kansas veterans' home~~ *veterans care center* or to any
42 person who is a self-insurer pursuant to subsection (d) or (e).

43 (b) Any such health care provider or health care system that holds a

1 certificate of self-insurance shall pay the applicable surcharge set forth in
2 subsection (c) of K.S.A. 40-3402, and amendments thereto.

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

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

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

39 (2) In making such determination the board of governors shall
40 consider (A) the financial condition of the medical care facility or mental
41 health center, (B) the procedures adopted by the medical care facility or
42 mental health center to process and handle claims and potential claims, (C)
43 the amount and liquidity of assets reserved for the settlement of claims or

1 potential claims by the medical care facility or mental health center and
2 (D) any other factors the board of governors deems relevant. The board of
3 governors may specify such conditions for the approval of an application
4 as the board of governors deems necessary. Upon approval of an
5 application, the board of governors shall issue a certificate of self-
6 insurance to each person engaged in such postgraduate training program at
7 the medical care facility or mental health center who is self-insured by
8 such medical care facility or mental health center.

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

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

30 (5) As used in this subsection (e), "medical care facility" does not
31 include the university of Kansas medical center or those community
32 hospitals or medical care facilities described in subsection (r)(2) of K.S.A.
33 40-3401, and amendments thereto.

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

43 (g) The provisions of subsections (a) and (f), relating to health care

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

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

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

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

41 (3) Subject to the provisions of paragraph (4), for the purposes of the
42 health care provider insurance availability act, the election of fund
43 coverage limits for each nonprofit corporation organized to administer the

1 graduate medical education programs of community hospitals or medical
2 care facilities affiliated with the university of Kansas school of medicine
3 shall be deemed to have been effective at the highest option, as provided in
4 subsection (l) of K.S.A. 40-3403, and amendments thereto, from and after
5 July 1, 1997.

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

13 Sec. 16. K.S.A. 73-1207 is hereby amended to read as follows: 73-
14 1207. The purposes of this act are (1) to afford veterans, their relatives and
15 dependents information, advice, direction and assistance through
16 coordination of programs and services in the fields of education, health,
17 vocational guidance and placement, mental care and economic security
18 and (2) to provide a commission to furnish the services described in clause
19 (1) of this section and to manage, operate and control the Kansas ~~soldiers'~~
20 ~~home and Mother Biekerdyke annex and the Kansas veterans' home~~
21 *veterans care center.*

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

30 (b) Upon the commencement of the interview process, every
31 candidate for a position in a Kansas commission on veterans affairs office
32 that interviews claimants and provides information advice and counseling
33 to veterans, surviving spouses, their dependents concerning compensation,
34 pension, education, vocational rehabilitation, insurance, hospitalization,
35 outpatient care, home loans, housing, tax exemptions, burial benefits and
36 other benefits to which they may be entitled, or any other sensitive
37 position, as determined by the executive director shall be given a written
38 notice that a criminal history records check is required. The Kansas
39 commission on veterans affairs shall require such candidates to be
40 fingerprinted and submit to a state and national criminal history record
41 check. The fingerprints shall be used to identify the candidate and to
42 determine whether the candidate has a record of criminal history in this
43 state or another jurisdiction. The Kansas commission on veterans affairs

1 shall submit the fingerprints to the Kansas bureau of investigation and the
2 federal bureau of investigation for a state and national criminal history
3 record check. Local and state law enforcement officers and agencies shall
4 assist the Kansas commission on veterans affairs in taking and processing
5 of fingerprints of candidates. If the criminal history record information
6 reveals any conviction of crimes of dishonesty or violence, such
7 conviction may be used to disqualify a candidate for any position within
8 the Kansas commission on veterans affairs. If the criminal history record
9 information is used to disqualify a candidate, the candidate shall be
10 informed in writing of that decision.

11 (c) Persons employed by the Kansas ~~soldiers' home and Kansas~~
12 ~~veterans' home~~ *veterans care center* shall be excluded from the provisions
13 of subsection (b). No person who has been employed by the Kansas
14 commission on veterans affairs for five consecutive years immediately
15 prior to the effective date of this act shall be subject to the provisions of
16 subsection (b) while employed by the Kansas commission on veterans
17 affairs.

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

25 (e) Except as otherwise provided by law, and subject to the Kansas
26 civil service act, the executive director of the Kansas commission on
27 veterans affairs shall appoint such subordinate officers and employees,
28 subject to the approval of the Kansas commission on veterans affairs, as
29 shall be necessary to enable the commission to exercise or perform its
30 functions, powers and duties pursuant to the provisions of article 19 of
31 chapter 76 of *the Kansas Statutes Annotated*, and amendments thereto. All
32 such subordinate officers and employees shall be within the classified
33 service under the Kansas civil service act, shall perform such duties and
34 exercise such powers as the commission, the executive director of the
35 commission, the superintendent of the Kansas ~~soldiers' home and the~~
36 ~~superintendent of the Kansas veterans' home~~ *veterans care center* may
37 prescribe and such duties and powers as are designated by law, and shall
38 act for and exercise the powers of the commission, the executive director
39 of the commission, the superintendent of the Kansas ~~soldiers' home and~~
40 ~~the superintendent of the Kansas veterans' home~~ *veterans care center* to
41 the extent authority to do so is delegated by such commission, executive
42 director or superintendent.

43 (f) Any veterans service representative appointed by the executive

1 director of the Kansas commission on veterans affairs shall be an
2 honorably discharged veteran or retired from the United States armed
3 forces. No veterans service representative of the Kansas commission on
4 veterans affairs shall take a power of attorney in the name of the Kansas
5 commission on veterans affairs. Nothing in this act shall be construed to
6 prohibit any such veterans service representative from assisting any
7 veteran with any claim in which a power of attorney is not required.

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

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

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

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

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

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

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

33 (b) In accordance with this section, the Kansas commission on
34 veterans affairs may initiate and conduct capital improvement projects to
35 construct, reconstruct or repair or to maintain memorials for veterans.
36 Each memorial for veterans shall be located at an institution, building or
37 facility on state-owned property of the Kansas commission on veterans
38 affairs and shall become the property of Kansas upon completion and
39 acceptance of the project by the secretary of administration and the Kansas
40 commission on veterans affairs. Except as otherwise provided by law or
41 rules and regulations adopted under this section, each such capital
42 improvement project for any such memorial for veterans shall be totally
43 financed from private moneys received by the Kansas commission on

1 veterans affairs for such purpose. Prior to initiating a capital improvement
2 project for any such memorial for veterans, the plans and specifications for
3 the project shall be reviewed and shall receive prior approval by the
4 secretary of administration. No such capital improvement project for any
5 such memorial for veterans shall be approved or initiated by the Kansas
6 commission on veterans affairs without having first advised and consulted
7 with the joint committee on state building construction.

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

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

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

26 (2) guidelines for memorials for veterans to assure that each
27 memorial for veterans is an appropriate tribute to Kansas veterans who
28 served in the armed forces of the United States of America, is nonpartisan
29 in nature and is in accord with nondiscrimination principles;

30 (3) guidelines and procedures to provide that the prior, express
31 approval of the Kansas commission on veterans affairs has been obtained
32 before (A) the name of the Kansas commission on veterans affairs or the
33 name of the Kansas ~~soldiers' home, the Kansas veterans' home~~ *veterans*
34 *care center* or any other institution, building or facility under the
35 jurisdiction of the commission, or (B) the name of any member of the
36 commission or of any officer or employee of the commission or of any
37 such institution, building or facility, is used in connection with any fund-
38 raising for any memorial for veterans;

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

42 (5) procedures to provide that the design, plans and specifications for
43 memorials for veterans are reviewed and approved by the secretary of

1 administration to assure conformance with the requirements and guidelines
2 applicable to state capital improvement projects; and

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

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

11 (f) There is hereby established in the state treasury the Kansas
12 veterans memorials fund which shall be administered by the Kansas
13 commission on veterans affairs. All moneys received from any private
14 donation, gift, grant or bequest made for memorials for Kansas veterans
15 who served in the armed forces of the United States of America shall be
16 remitted to the state treasurer in accordance with the provisions of K.S.A.
17 75-4215, and amendments thereto. Upon receipt of each such remittance,
18 the state treasurer shall deposit the entire amount in the state treasury to
19 the credit of the Kansas veterans memorials fund. All expenditures from
20 the Kansas veterans memorials fund shall be for the purpose of financing
21 capital improvement projects for the construction, reconstruction or repair
22 or for the maintenance of memorials for veterans and shall be made in
23 accordance with appropriation acts upon warrants of the director of
24 accounts and reports issued pursuant to vouchers approved by the Kansas
25 commission on veterans affairs or the commission's designee.

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

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

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

33 Sec. 19. K.S.A. 2013 Supp. 74-4914 is hereby amended to read as
34 follows: 74-4914. (1) The normal retirement date for a member of the
35 system shall be the first day of the month coinciding with or following
36 termination of employment with any participating employer not followed
37 by employment with any participating employer within 60 days and the
38 attainment of age 65 or, commencing July 1, 1993, age 62 with the
39 completion of 10 years of credited service or the first day of the month
40 coinciding with or following the date that the total of the number of years
41 of credited service and the number of years of attained age of the member
42 is equal to or more than 85. In no event shall a normal retirement date for a
43 member be before six months after the entry date of the participating

1 employer by whom such member is employed. A member may retire on
2 the normal retirement date or on the first day of any month thereafter upon
3 the filing with the office of the retirement system of an application in such
4 form and manner as the board shall prescribe. Nothing herein shall prevent
5 any person, member or retirant from being employed, appointed or elected
6 as an employee, appointee, officer or member of the legislature. Elected
7 officers may retire from the system on any date on or after the attainment
8 of the normal retirement date, but no retirement benefits payable under this
9 act shall be paid until the member has terminated such member's office.

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

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

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

26 (5) On or after July 1, 2006, for any retirant who is first employed or
27 appointed in or to any position or office by a participating employer other
28 than a participating employer for which such retirant was employed or
29 appointed during the final two years of such retirant's participation, and, on
30 or after April 1, 2009, for any retirant who is employed by a third-party
31 entity who contracts services with a participating employer other than a
32 participating employer for which such retirant was employed or appointed
33 during the final two years of such retirant's participation to fill a position
34 covered under subsection (a) of K.S.A. 72-5410, and amendments thereto,
35 with such retirant, such participating employer shall pay to the system the
36 actuarially determined employer contribution and the statutorily prescribed
37 employee contribution based on the retirant's compensation during any
38 such period of employment or appointment. If a retirant who retired on or
39 after July 1, 1988, is employed or appointed in or to any position or office
40 for which compensation for service is paid in an amount equal to \$20,000
41 or more in any one such calendar year, by any participating employer for
42 which such retirant was employed or appointed during the final two years
43 of such retirant's participation, and, on or after April 1, 2009, by any third-

1 party entity who contracts services to fill a position covered under
2 subsection (a) of K.S.A. 72-5410, and amendments thereto, with such
3 retirant with a participating employer for which such retirant was
4 employed or appointed during the final two years of such retirant's
5 participation, such retirant shall not receive any retirement benefit for any
6 month for which such retirant serves in such position or office. The
7 participating employer who employs such retirant whether by contract
8 directly with the retirant or through an arrangement with a third-party
9 entity shall report to the system within 30 days of when the compensation
10 paid to the retirant is equal to or exceeds any limitation provided by this
11 section. Any participating employer who contracts services with any such
12 third-party entity to fill a position covered under subsection (a) of K.S.A.
13 72-5410, and amendments thereto, shall include in such contract a
14 provision or condition which requires the third-party entity to provide the
15 participating employer with the necessary compensation paid information
16 related to any such position filled by the third-party entity with a retirant to
17 enable the participating employer to comply with provisions of this
18 subsection relating to the payment of contributions and reporting
19 requirements. The provisions and requirements provided for in
20 amendments made in this act which relate to positions filled with a retirant
21 or employment of a retirant by a third-party entity shall not apply to any
22 contract for services entered into prior to April 1, 2009, between a
23 participating employer and third-party entity as described in this
24 subsection. Any retirant employed by a participating employer or a third-
25 party entity as provided in this subsection shall not make contributions nor
26 receive additional credit under such system for such service except as
27 provided by this section. Upon request of the executive director of the
28 system, the secretary of revenue shall provide such information as may be
29 needed by the executive director to carry out the provisions of this act. The
30 provisions of this subsection shall not apply to retirants employed as
31 substitute teachers or officers, employees or appointees of the legislature.
32 The provisions of this subsection shall not apply to members of the
33 legislature prior to January 8, 2000. The provisions of this subsection shall
34 not apply to any other elected officials prior to the term of office of such
35 elected official which commences on or after July 1, 2000. The provisions
36 of this subsection shall apply to any other elected official on and after the
37 term of office of such other elected official which commences on or after
38 July 1, 2000. Except as otherwise provided, commencing January 8, 2001,
39 the provisions of this subsection shall apply to members of the legislature.
40 For determination of the amount of compensation paid pursuant to this
41 subsection, for members of the legislature, compensation shall include any
42 amount paid as provided pursuant to subsections (a), (b), (c) and (d) of
43 K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b,

1 and amendments thereto. Notwithstanding any provision of law to the
2 contrary, when a member of the legislature is paid an amount of
3 compensation of \$20,000 or more in any one calendar year, the member
4 may continue to receive any amount provided in subsections (b) and (d) of
5 K.S.A. 46-137a, and amendments thereto, and still be entitled to receive
6 such member's retirement benefit. Commencing July 1, 2005, the
7 provisions of this subsection shall not apply to retirants who either retired
8 under the provisions of subsection (1), or, if they retired under the
9 provisions of subsection (4), were retired more than 30 days prior to the
10 effective date of this act and are licensed professional nurses or licensed
11 practical nurses employed by the state of Kansas in an institution as
12 defined in subsection (b) of K.S.A. 76-12a01 or subsection (f) of K.S.A.
13 38-2302, and amendments thereto, the ~~Kansas soldiers' home or the~~
14 ~~Kansas veterans' home~~ *veterans care center*. Nothing in this subsection
15 shall be construed to create any right, or to authorize the creation of any
16 right, which is not subject to amendment or nullification by act of the
17 legislature. The participating employer of such retirant shall pay to the
18 system the actuarially determined employer contribution based on the
19 retirant's compensation during any such period of employment.

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

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

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

38 (c) Notwithstanding the provisions of K.S.A. 79-4801 et seq., and
39 K.S.A. 74-8711, and amendments thereto, all net profits, received from the
40 sale of veterans benefit game lottery tickets, materials and games, as
41 prescribed by rules and regulations adopted pursuant to subsection (b) of
42 this section, shall be deposited in the state treasury and shall be used as
43 follows: (1) An amount equal to 40% of such net profits shall be

1 appropriated for purposes directly benefitting members of the Kansas army
2 and air national guard and their families to provide for Kansas national
3 guard educational assistance act scholarships pursuant to K.S.A. 74-32,145
4 et seq., and amendments thereto, and, to the extent that moneys are
5 available, for other purposes directly benefitting members of the Kansas
6 army and air national guard and their families as provided by appropriation
7 act;

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

13 (3) an amount equal to 30% of such net profits from: (A) July 1,
14 2008, to June 30, 2010, shall be appropriated for the museum of the
15 Kansas national guard to expand the museum facility to include a 35th
16 Infantry Division Museum and a museum education center as provided by
17 appropriation act; and (B) from and after July 1, 2010, shall be
18 appropriated for a veterans enhanced service delivery program.

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

25 Sec. 21. K.S.A. 75-3036a is hereby amended to read as follows: 75-
26 3036a. No moneys appropriated from the general fund for any correctional
27 institution, as defined in K.S.A. 75-5202(d), and amendments thereto, any
28 institution, as defined in K.S.A. 76-12a01(b), and amendments thereto, the
29 ~~Kansas soldiers' home, the Kansas veterans' home~~ *veterans care center*, the
30 Kansas state school for the visually handicapped, or the Kansas state
31 school for the deaf, shall be used for the purchase of identifiable imported
32 meats.

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

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

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

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

42 (1) To provide property, services or entertainment for persons in a
43 state institution or in the legal custody of the secretary of corrections;

1 (2) to provide incentives for program and work participation and
2 performance and other activities related to offender management for
3 persons in the legal custody of the secretary of corrections; or

4 (3) for other purposes that benefit persons in a state institution or in
5 the legal custody of the secretary of corrections.

6 (d) "Work therapy project" means a sheltered workshop or other
7 similar vocational training activity provided by a state institution, whether
8 on or off campus.

9 (e) "Work therapy fund" means the moneys and other assets used to
10 operate a work therapy project for persons in a state institution.

11 (f) "State institution" means:

12 (1) Any institution as defined by K.S.A. 2013 Supp. 38-2302, K.S.A.
13 75-5202 or 76-12a01, and amendments thereto;

14 (2) the Kansas state school for the blind;

15 (3) the Kansas state school for the deaf; and

16 (4) the ~~Kansas veterans' home and the Kansas soldiers' home~~
17 *veterans care center*; which are operated and administered by the *Kansas*
18 commission on veterans affairs.

19 Sec. 23. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as
20 follows: 75-4362. (a) The director of the division of personnel services of
21 the department of administration shall have the authority to establish and
22 implement a drug screening program for persons taking office as governor,
23 lieutenant governor, attorney general or members of the Kansas senate or
24 house of representatives and for applicants for safety sensitive positions in
25 state government, but no applicant for a safety sensitive position shall be
26 required to submit to a test as a part of this program unless the applicant is
27 first given a conditional offer of employment.

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

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

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

34 (3) any safety sensitive position;

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

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

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

42 (7) any employee of ~~a state veteran's home~~ *the Kansas veterans care*
43 *center* operated by the Kansas commission on veteran's affairs as

1 described in ~~K.S.A. 76-1901 et seq.~~ and ~~K.S.A. 76-1951 et seq.~~ *section 1*,
2 and amendments thereto.

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

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

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

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

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

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

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

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

29 (2) all state corrections officers;

30 (3) all state parole officers;

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

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

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

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

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

1 environment.

2 Sec. 24. K.S.A. 2013 Supp. 75-7435 is hereby amended to read as
3 follows: 75-7435. (a) As used in this section unless the context requires
4 otherwise:

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

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

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

15 (4) "Agent" means the Kansas department for aging and disability
16 services.

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

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

1 of small skilled nursing care facility shall not be lower than 40 beds.

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

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

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

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

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

38 (d) (1) There is hereby created in the state treasury the quality care
39 fund, which shall be administered by the secretary of health and
40 environment. All moneys received for the assessments imposed pursuant
41 to subsection (b), including any penalty assessments imposed thereon
42 pursuant to subsection (e), shall be remitted to the state treasurer in
43 accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt

1 of each such remittance, the state treasurer shall deposit the entire amount
2 in the state treasury to the credit of the quality care fund. All expenditures
3 from the quality care fund shall be made in accordance with appropriation
4 acts upon warrants of the director of accounts and reports issued pursuant
5 to vouchers approved by the secretary of health and environment or the
6 secretary's agent.

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

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

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

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

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

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

39 (D) to restore the medicaid rate reductions implemented January 1,
40 2010;

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

43 (F) the remaining amount, if any, shall be expended first to increase

1 the direct health care costs center limitation up to 150% of the case mix
2 adjusted median, and then, if there are remaining amounts, for other
3 quality care enhancement of skilled nursing care facilities as approved by
4 the quality care improvement panel but shall not be used directly or
5 indirectly to replace existing state expenditures for payments to skilled
6 nursing care facilities for providing services pursuant to the state medicaid
7 program.

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

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

16 (7) On or before the 10th day of each month, the director of accounts
17 and reports shall transfer from the state general fund to the quality care
18 fund interest earnings based on:

19 (A) The average daily balance of moneys in the quality care fund for
20 the preceding month; and

21 (B) the net earnings rate of the pooled money investment portfolio for
22 the preceding month.

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

33 (f) (1) The secretary of health and environment shall assess and
34 collect quality care assessments imposed pursuant to subsection (b),
35 including any penalty assessments imposed thereon pursuant to subsection
36 (e), from skilled nursing care facilities on and after July 1, 2010, except
37 that no assessments or penalties shall be assessed under subsections (a)
38 through (h) until:

39 (A) An amendment to the state plan for medicaid, which increases the
40 rates of payments made to skilled nursing care facilities for providing
41 services pursuant to the federal medicaid program and which is proposed
42 for approval for purposes of subsections (a) through (h) is approved by the
43 federal government in which case the initial assessment is due no earlier

1 than 60 days after state plan approval; and

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

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

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

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

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

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

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

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

33 (g) On and after July 1, 2010, reimbursement rates for skilled nursing
34 care facilities shall be restored to those in effect during December 2009.
35 No funds generated by the assessments or federal funds generated
36 therefrom shall be utilized for such restoration, but such funds may be
37 used to restore the rate reduction in effect from January 1, 2010, to June
38 30, 2010.

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

41 (i) If the provisions of subsections (a) through (h) are repealed, expire
42 or become null and void and have no further force and effect, all moneys
43 in the quality care fund which were paid under the provisions of

1 subsections (a) through (h) shall be returned to the skilled nursing care
2 facilities which paid such moneys on the basis on which such payments
3 were assessed and paid pursuant to subsections (a) through (h).

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

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

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

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

35 (a) Any institution as defined by K.S.A. 2013 Supp. 38-2302, K.S.A.
36 75-5202 or 76-12a01, and amendments thereto;

37 (b) the Kansas state school for the blind;

38 (c) the Kansas state school for the deaf; and

39 (d) the ~~Kansas veterans' home and the Kansas soldiers' home~~
40 *veterans care center* which are operated and administered by the *Kansas*
41 *commission on veterans affairs.*

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

1 amendments thereto:

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

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

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

16 (d) "state medical care facility or institution" includes, but is not
17 limited to, the Kansas state school for the visually handicapped, the
18 Kansas state school for the deaf, any institution under the secretary of
19 social and rehabilitation services, as defined by subsection (b) of K.S.A.
20 76-12a01, and amendments thereto, any institution under the
21 commissioner of juvenile justice as defined by K.S.A. 2013 Supp. 38-
22 2302, and amendments thereto, the ~~Kansas soldiers' home, the Kansas~~
23 ~~veterans' home~~ *veterans care center* and any correctional institution under
24 the secretary of corrections, as defined by subsection (d) of K.S.A. 75-
25 5202, and amendments thereto, but shall not include any state educational
26 institution under the state board of regents, as defined by subsection (a) of
27 K.S.A. 76-711, and amendments thereto, except as specifically provided
28 by statute.

29 Sec. 27. K.S.A. 76-1951 is hereby amended to read as follows: 76-
30 1951. (a) ~~On and after January 1, 1998,~~ The Kansas commission on
31 veterans affairs shall operate a ~~Kansas veterans' home~~ *facility for the*
32 *Kansas veterans care center* to be located on the grounds of Winfield state
33 hospital and training center. The commission on veterans affairs and the
34 secretary of social and rehabilitation services shall enter into an agreement
35 concerning property, premises, facilities, installations, equipment and
36 records of Winfield state hospital and training center which will be
37 transferred to the Kansas commission on veterans affairs for the purpose of
38 establishing and operating ~~the Kansas veterans' home~~ *a facility for the*
39 *Kansas veterans care center*. The agreement shall establish the timing of
40 any such transfers. Any conflict as to the proper disposition of property or
41 records arising under this section shall be determined by the governor,
42 whose decision shall be final.

43 (b) The Kansas commission on veterans affairs shall have full control

1 of the Kansas ~~veterans' home~~ *veterans care center*; and any facilities
2 *thereof*, the property, effects, supervision and management of the home.

3 (c) The Kansas commission on veterans affairs may enter into an
4 agreement with the United States department of veterans affairs for the use
5 and operation of the nursing care unit of the Wichita veterans
6 administration medical center in Wichita, Kansas, as a long-term care unit
7 of the Kansas ~~veterans' home~~ *veterans care center*, which shall be known
8 as the Kansas ~~veterans' home long-term care~~ *veterans care center* annex.
9 The Kansas ~~veterans' home long-term~~ *veterans care center* annex shall be
10 operated as a part of the Kansas ~~veterans' home~~ *veterans care center* and
11 shall be construed to be part of the Kansas ~~veterans' home~~ *veterans care*
12 *center* for all purposes under statutes governing or referring to the Kansas
13 ~~veterans' home~~ *veterans care center*.

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

22 Sec. 28. K.S.A. 73-1207, 75-3036a, 76-1901, 76-1904, 76-1904a, 76-
23 1904b, 76-1908, 76-1927, 76-1928, 76-1929, 76-1930, 76-1931, 76-1932,
24 76-1933, 76-1935, 76-1935a, 76-1936, 76-1940, 76-1941, 76-1951, 76-
25 1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958 and K.S.A. 2013
26 Supp. 39-970, 40-3414, 73-1210a, 73-1233, 74-4914, 74-8724, 75-3728e,
27 75-4362, 75-7435, 76-172, 76-381, 76-1906, 76-1939 and 76-1953 are
28 hereby repealed.

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