

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 263

As Amended by House Committee on Veterans,
Military and Homeland Security

Brief*

SB 263 would abolish the the Kansas Commission on Veterans Affairs (KCVA), create the Kansas Commission on Veterans Affairs Office (KCVAO) and the Veterans Claims Assistance Program. The bill also would establish the Military Honors Funeral Fund.

Military Honors Funeral Fund

The bill would establish the Military Honors Funeral Fund in the State Treasury to be administered by the Adjutant General. Any gifts, grants, donations, and bequests for the purpose of providing military honors at funerals would be deposited in the new fund. Expenditures would be subject to appropriations by the Legislature. Interest would be credited to this fund.

Agency Organization

Under the provisions of the bill, the KCVA would be abolished and all powers, duties, and functions would be transferred to the KCVAO effective July 1, 2014. The KCVAO would be responsible for providing services and support to veterans and their relatives and dependents along with managing and operating the Kansas Soldiers' Home and the Kansas Veterans' Home.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The director would be appointed by the Governor and subject to confirmation by the Kansas Senate. Additionally, the director would be required to be a veteran. The bill also would require the director to appoint and oversee the superintendent of the Kansas Soldiers' Home and Kansas Veterans' Home, as well as the Deputy Director of Veterans Services, all subject to approval by the Governor.

Annual Reporting Requirement

The bill would amend law to require the director of the Kansas Commission on Veterans Affairs Office to annually prepare and submit a written report to both the House Committee on Veterans, Military and Homeland Security and the Office of the Governor. The first report is to be submitted on or before the first day of the 2015 Legislative Session. Under the provisions of the bill, the report would include the following:

- Progress made by the Kansas Commission on Veterans Affairs Office and its director in response to recommendations made by the Legislative Division of Post Audit in the preceding fiscal year;
- Information on the current financial procedures implemented by the KCVA at the Kansas Veterans' Home and the Kansas Soldiers' Home;
- Information on the current residential care services provided for veterans at both facilities; and
- Recommendations for any necessary legislation required to ensure the State of Kansas is providing the necessary services and care for Kansas veterans.

Veterans Claims Assistance Program

The bill would abolish the Veterans Claims Assistance Advisory Board and replace this Advisory Board with the Veterans Claims Assistance Program (VCAP). The purposes of the new program include the following:

- Improve the coordination of veterans benefits counseling in Kansas;
- Ensure taxpayer dollars are used efficiently and effectively;
- Ensure every veteran is served and receives the necessary counseling and assistance; and
- Advise the Director of the KCVA on all veterans services including the VCAP.

Under the provisions of the bill, the Deputy Director of Veterans Services would be a permanent member of the VCAP and serve as its chairperson.

Veterans Claims Assistance Program Advisory Board

The Veterans Claims Assistance Program Advisory Board would advise the Director of the Commission on Veterans Affairs on veterans services including the VCAP. The new board would replace the Veterans Claims Assistance Advisory Board. The new advisory board would consist of at least seven members as follows:

- The Deputy Director of Veterans Services who will be a permanent member of the advisory board and who will serve as chairperson of the advisory board;
- A member of each veterans service organization participating in the grant program;

- Two representatives appointed by the Governor. Both appointments must be veterans. Also, any veterans service organization may submit a list of three names for consideration by the Governor and the Governor must consider each list and may appoint an individual from among those listed;
- Two legislators, one from each house, with the Speaker of the House and the President of the Senate each appointing a member. Under the provisions of the bill, one legislator must be a member of the Democratic party and one legislator must be a member of the Republican party.

Additionally, if there are less than two veterans service organizations participating in the grant program, then the Governor would be required to appoint the remaining members of the advisory board; however, appointments under this provision would not be allowed to exceed two members.

Background

SB 263. The Military Honors Funeral Fund was requested by the Adjutant General's Department in the Senate Committee. The State Command Sergeant Major of the Kansas Army National Guard appeared in support of the legislation that would allow the receipt and expenditure of funds in support of the activities of the Kansas Army National Guard's Military Funeral Honors program, which provides military honors at veterans' funerals. The State Coordinator for Kansas Military Funeral Honors also spoke in favor of the bill. Due to recent federal budget cuts, fewer veterans' funeral services can be provided, and payments for those services help support the provision of military honors; the new funding source would help maintain the military funeral honors program by the Honor Guard unit, he said. Last fiscal year 1,131 veterans' funeral services were supported by the program.

A representative of the Kansas Funeral Directors Association also provided testimony in support of this bill that would allow collection of private donations to continue honoring deceased veterans in this manner.

The fiscal note provided by the Division of the Budget on the underlying bill was unable to estimate the revenues that would be generated by this bill. *The Governor's FY 2015 Budget Report* included a no-limit line item for the new fund, as reported during the Senate Committee hearing.

The House Committee on Veterans, Military and Homeland Security inserted the contents of Sub. for HB 2681 into SB 263 and made several amendments.

HB 2681, as introduced, would have abolished the KCVA and transferred all its powers, duties, and functions to the Kansas Executive Director of Veterans Affairs, which would be created within the Office of the Governor. The original bill also required the executive director to be appointed by the Governor; additionally, the bill would have created the Kansas Advisory Committee on Veterans Affairs. The House Committee amended and inserted the contents of HB 2624 and HB 2581 into HB 2681. The House Committee then adopted a substitute bill which incorporated the provisions of HB 2624, HB 2581, and HB 2681.

The sections in the bill dealing with the elimination of the KCVA and the appointment of the executive director were contained in HB 2681. The House Committee heard testimony in support of the bill from a representative of the Military Officers Association of America. Testimony in opposition to the bill was provided by a representative of the Kansas American Legion. The Kansas Commission on Veterans Affairs provided written testimony in opposition to the bill.

The annual reporting requirement was originally contained in HB 2581. The House Committee heard testimony in support of the bill from a representative of the

Kansas American Legion. Additionally, the KCVA also testified in support of HB 2581.

The section of the bill dealing with member funds was originally contained in HB 2624. Testimony in support of the bill was provided by a representative from the Kansas American Legion. Written testimony in support of the bill was provided by the KCVA.

The House Committee further amended the bill to create the Veterans Claims Assistance Program and the Veterans Claims Assistance Advisory Board. Additionally, the House Committee amended the bill by eliminating the Kansas Advisory Committee on Veterans Affairs. Also included was an amendment to clarify that the Deputy Director of Veterans Service must review all applications for the Vietnam War Era Medallion, medal and certificate to ensure applicants are enrolled for eligible federal benefits.

The fiscal notes, as prepared by the Division of the Budget on HB 2624 and HB 2581, indicated neither bill would have a fiscal impact. The fiscal impact of HB 2681, as introduced, was not able to be determined due to the complexity of the bill. The Office of the Governor reported that HB 2681, as introduced, would increase the size and scope of the Governor's Office; however, the bill would not have an effect on the state budget. An updated fiscal note is not available.