

HOUSE BILL No. 2302

By Committee on Veterans, Military and Homeland Security

1-31

9 AN ACT relating to veterans; amending K.S.A. 73-1221, 73-1222, 73-
10 1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1230 and 73-1231 and
11 repealing the existing sections.

12

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

14 Section 1. K.S.A. 73-1221 is hereby amended to read as follows: 73-
15 1221. This act shall be known as the ~~Persian Gulf War~~ *Kansas* veterans
16 health ~~initiative~~ act.

17 Sec. 2. K.S.A. 73-1222 is hereby amended to read as follows: 73-
18 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments
19 thereto, unless the context clearly indicates otherwise:

20 (a) ~~“Birth defect” means any physical or mental abnormality or con-~~
21 ~~dition, including any susceptibility to any illness or condition other than~~
22 ~~normal childhood illnesses or conditions.~~

23 ~~—(b) “Board” means the Persian Gulf War Kansas veterans health in-~~
24 ~~itiative board established by K.S.A. 73-1223, and amendments thereto.~~

25 ~~(c) (b) “Commission” means the Kansas commission on veterans~~
26 ~~affairs.~~

27 ~~(d) (c) “Director” means the executive director of the Kansas com-~~
28 ~~mission on veterans affairs.~~

29 ~~(e) (d) “Gulf War syndrome” means the wide range of physical and~~
30 ~~mental conditions, problems and illnesses that are connected with service~~
31 ~~in the armed forces of the United States during and in the area of op-~~
32 ~~erations of the Persian Gulf War.~~

33 ~~(f) (e) “Veteran” means a person who is a resident of Kansas who was~~
34 ~~a member of the armed forces of the United States of America and who~~
35 ~~served in such armed forces in the area of operations of the Persian Gulf~~
36 ~~War during the Persian Gulf War or thereafter regardless of whether such~~
37 ~~person is still actively serving in the armed forces or reserve. served on~~
38 ~~active service and who was discharged or released from the service under~~
39 ~~conditions other than dishonorable, and it also includes everyone still~~
40 ~~serving on active duty in the national guard or is one of the reserve com-~~
41 ~~ponents that was deployed to hostile theater operations.~~

42 Sec. 3. K.S.A. 73-1223 is hereby amended to read as follows: 73-
43 1223. (a) There is hereby established with the commission an advisory

1 board known to be the ~~Persian Gulf War~~ *Kansas* veterans health initiative
2 board. The board shall be advisory to the commission in the implemen-
3 tation and administration of this act.

4 (b) The board shall consist of ~~nine~~ *no less than 11* members appointed
5 as follows:

6 (1) At least ~~three~~ *five* members shall be veterans. The director shall
7 notify the state level ~~unit~~ *commanders* of the Disabled American Veter-
8 ans, the Veterans of Foreign Wars of the United States ~~and~~, the American
9 Legion and *other veterans organizations in Kansas* to request a list of
10 ~~three~~ *no less than two* nominations of veterans ~~from each such veterans'~~
11 ~~organization~~. The governor shall appoint one veteran as a member from
12 each list, *but subject to a total of five veterans, and with no two veterans*
13 *from the same organization list. If any veteran member fails to show to*
14 *two meetings in one calendar year, the veteran may be replaced by the*
15 *chairperson of the commission using the list and so long as no two veterans*
16 *on the board are from the same organization list.*

17 (2) ~~One member shall be qualified from each of the medical spe-~~
18 ~~cializations of epidemiology, toxicology and genetics. One member shall~~
19 ~~be qualified in one of the behavioral sciences in the speciality area of~~
20 ~~family dynamics. The director shall notify one or more professional so-~~
21 ~~cieties or associations which represent the medical or behavioral science~~
22 ~~specialty area required and request a list of three nominations from that~~
23 ~~specialty area. The commission shall appoint one member of the board~~
24 ~~from each list. The board shall include up to six clinical or research pro-~~
25 ~~fessionals appointed by the commission with expertise in appropriate ar-~~
26 ~~reas that may include, but are not limited to: Toxicology, epidemiology,~~
27 ~~traumatic injury, trauma related psychiatric disorders, neurology, family~~
28 ~~dynamics, social work and human services and physical therapy.~~

29 (3) Two legislators, one from each house, shall be appointed to the
30 board with the speaker of the house of representatives and president of
31 the senate each appointing a member. One legislator shall be a member
32 of the democratic party and one legislator shall be a member of the re-
33 publican party.

34 (4) *The board shall include at least three representatives appointed*
35 *by the commission from the state and or federal agencies that may include,*
36 *but are not limited to, the U.S. department on veterans affairs, the de-*
37 *partment of labor, the Kansas adjutant general's office, the Kansas de-*
38 *partment of health and environment and the Kansas department of social*
39 *and rehabilitation services.*

40 (c) Within 90 days of the effective date of this act, the governor, the
41 commission, the speaker of the house of representatives and the president
42 of the senate shall appoint the initial members of the board. Of the initial
43 appointments to the board by the governor, one shall be for a term of

1 one year, one shall be for a term of two years and one shall be for a term
2 ending three years after the date of the initial appointment. Of the initial
3 appointments to the board by the commission, two shall be for a term of
4 one year, one shall be for a term of two years and one shall be for a term
5 ending three years after the date of the initial appointment. After the
6 initial appointments, terms of office of the members appointed by the
7 governor or the commission shall be for three years but no person shall
8 be appointed for more than two successive three-year terms. The term
9 of office of each member appointed by the speaker of the house of rep-
10 resentatives or the president of the senate shall end on the first day of
11 the regular session of the legislature which commences in the first odd-
12 numbered year occurring after the year such member was appointed.

13 (d) Each member of the board shall serve until a successor is ap-
14 pointed and qualified. Whenever a vacancy occurs in the membership of
15 the board for any reason other than the expiration of a member's term
16 of office, the governor, the commission, speaker of the house of repre-
17 sentatives or president of the senate shall appoint a successor of like
18 qualifications to fill the unexpired term in accordance with this section.
19 In the case of any vacancy occurring in the position of a board member
20 who was appointed from a list of nominations submitted by a veterans'
21 organization, the governor shall notify that veterans' organization of the
22 vacant position and request a list of three nominations of veterans from
23 which the governor shall appoint a successor to the board. In the case of
24 any vacancy occurring in the position of a board member who is qualified
25 in one of the speciality areas listed in subsection (b)(3) after the initial
26 appointments, the director shall notify one or more professional societies
27 or associations which represent the medical or behavioral science speci-
28 ality required for the vacant position and request a list of three nomina-
29 tions from that speciality area from which the commission shall appoint
30 a successor to the board.

31 (e) Annually, the board shall elect a chairperson, vice-chairperson and
32 secretary from among its members and shall meet ~~at least four~~ *no less*
33 *than six* times each year at the call of the chairperson.

34 (f) The members of the board attending meetings of the board or
35 attending a subcommittee meeting thereof authorized by the board shall
36 receive no compensation for their services but shall be paid subsistence
37 allowances, mileage and other expenses as provided in subsections (b),
38 (c) and (d) of K.S.A. 75-3223, and amendments thereto.

39 Sec. 4. K.S.A. 73-1224 is hereby amended to read as follows: 73-
40 1224. ~~(a) The commission shall develop comprehensive surveys, or adopt~~
41 ~~one or more existing surveys, to be conducted to determine and study~~
42 ~~the physical and mental conditions, problems and illnesses, including~~
43 ~~birth defects, as well as the employment, social, emotional and family~~

1 ~~problems experienced by veterans, their spouses and family members~~
2 ~~since the veteran's return to Kansas and by any other persons residing in~~
3 ~~Kansas who are suffering from Gulf War syndrome.~~

4 ~~—(b)— The commission shall develop or adopt the surveys within the first~~
5 ~~four months after the effective date of this act. The commission shall~~
6 ~~administer the surveys and review the completed surveys with the board.~~
7 ~~The commission shall compile the results of the surveys and develop~~
8 ~~recommendations for the legislature based thereon. The director shall~~
9 ~~report the results to appropriate federal agencies and shall request ad-~~
10 ~~ditional assistance for veterans commensurate with the director's duties~~
11 ~~under K.S.A. 73-1209, and amendments thereto.~~

12 ~~—(c)— The aggregate amount expended for the development and ad-~~
13 ~~ministration of surveys and studies set out under this section and for board~~
14 ~~expenses, including the position established by K.S.A. 73-1225, and~~
15 ~~amendments thereto, shall not exceed \$100,000 per fiscal year.~~

16 ~~—(d)— The commission shall request the different media, including ra-~~
17 ~~dio, television and newspaper, to make public service announcements~~
18 ~~publicizing information on the Persian Gulf War surveys and inform Kan-~~
19 ~~sans of the health problems identified and where help is available. The~~
20 ~~public service announcements should be published no less than four times~~
21 ~~a year.~~ *(a) The commission will conduct a survey that follows upon its*
22 *highly successful initial survey of veterans of the 1990-1991 Gulf War.*
23 *This follow-up survey will collect systematic information on any changes*
24 *in the diagnosed conditions or symptoms of the veterans who were initially*
25 *surveyed. The survey will also collect information on treatment or other*
26 *factors that may have affected the veterans' health since the initial survey.*
27 *Based on the results of the survey, the board shall develop a plan of action*
28 *to address the health needs of the veterans and seek funding for additional*
29 *research as needed. Results of the survey shall be provided in a timely*
30 *manner to the appropriate federal and state agencies and officials and*
31 *disseminated to veterans via the media, mailings and public meetings.*

32 *(b) The board shall work at, but is not limited to, developing materials*
33 *needed to conduct veterans briefings, handouts and press releases on*
34 *health issues that are affecting Kansas veterans.*

35 Sec. 5. K.S.A. 73-1225 is hereby amended to read as follows: 73-
36 1225. There is hereby established with the commission a ~~full-time~~ posi-
37 tion *dedicated to developing and executing the provisions of K.S.A. 73-*
38 *1221 through 73-1231, and amendments thereto, and additional duties*
39 *may include, but are not limited to, seeking and applying for grants and*
40 *other moneys to fund activities under this act, to assist in the preparation*
41 *and administration of surveys under this act, to promote programs and*
42 *activities designed to assist persons affected by Gulf War syndrome mil-*
43 *itary deployments to hostile theaters and help them to receive the help*

1 they need and to perform such other duties as the ~~chairperson of the~~
2 ~~commission~~ director may prescribe. Within 90 days of the effective date
3 of this act, the commission shall appoint a qualified individual to this
4 position.

5 Sec. 6. K.S.A. 73-1226 is hereby amended to read as follows: 73-
6 1226. ~~(a) The commission shall request that the department of health and~~
7 ~~environment contact families of any children born after August 1, 1991,~~
8 ~~who are on any state birth defect list maintained by the department, to~~
9 ~~inform the families of the availability of the survey and the registry if~~
10 ~~either parent served in the Persian Gulf War. If the family voluntarily~~
11 ~~participates in the survey, the veteran's child's name shall be listed in the~~
12 ~~state Persian Gulf War registry.~~

13 ~~—(b) The commission shall determine the appropriate health programs~~
14 ~~and the confidential mechanisms that shall be utilized to ask participants~~
15 ~~in such programs whether they are Persian Gulf War veterans, and if so,~~
16 ~~offer the veterans voluntary participation in the survey under K.S.A. 73-~~
17 ~~1224, and amendments thereto.~~

18 ~~—(c) (a) The commission shall establish and maintain a state Persian~~
19 ~~Gulf War registry containing the names of veterans, their spouses, family~~
20 ~~members and other persons in Kansas who have been affected by Gulf~~
21 ~~War syndrome.~~

22 ~~(b) The commission shall inform veterans of any state and federal~~
23 ~~programs available to meet the veterans' needs.~~

24 ~~(c) Any person who in good faith provides information to the com-~~
25 ~~mission under the provisions of this section shall be immune from civil~~
26 ~~or criminal liability therefor.~~

27 Sec. 7. K.S.A. 73-1227 is hereby amended to read as follows: 73-
28 1227. Subject to funds available, the commission shall conduct a fiscal
29 impact study, aimed at identifying the ~~annual~~ budgetary impact of ~~Gulf~~
30 ~~War syndrome deployment~~ on Kansas *veterans* in terms of increased costs
31 of education, medical coverage, ~~correction of birth defects~~ *reemployment,*
32 *underemployment* and other ~~expenses identified through the results of~~
33 ~~the surveys conducted under K.S.A. 73-1224, and amendments thereto~~
34 *hardships.*

35 Sec. 8. K.S.A. 73-1230 is hereby amended to read as follows: 73-
36 1230. The Kansas commission on veterans affairs shall cooperate and
37 share information with appropriate state and federal agencies as necessary
38 for the purposes of this act to aid veterans and other persons in obtaining
39 aid and relief from the effects of ~~Gulf War syndrome deployment.~~ Such
40 cooperation shall include reporting the survey statistics to appropriate
41 federal agencies to bring issues to the notice of appropriate agencies.

42 Sec. 9. K.S.A. 73-1231 is hereby amended to read as follows: 73-
43 1231. *The Persian Gulf War veterans health initiative fund is hereby ren-*

1 *amed the Kansas veterans health fund. Any statute or appropriation bill*
2 *referring to the Persian Gulf War veterans health initiative fund shall be*
3 *deemed to refer to the Kansas veterans health fund.* There is hereby es-
4 tablished in the state treasury the ~~Persian Gulf War~~ Kansas veterans
5 health ~~initiative~~ fund which shall be administered by the Kansas com-
6 mission on veterans affairs. All moneys received from any grants from
7 federal or other nonstate sources, from contributions or from any other
8 source for the purpose of financing the activities of the board or the
9 development or administration of the surveys *or research* developed by
10 the board under this act, shall be remitted to the state treasurer in ac-
11 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
12 Upon receipt of each such remittance, the state treasurer shall deposit
13 the entire amount in the state treasury to the credit of the ~~Persian Gulf~~
14 ~~War~~ Kansas veterans health ~~initiative~~ fund. All expenditures from the
15 ~~Persian Gulf War~~ Kansas veterans health ~~initiative~~ fund shall be for the
16 purposes of financing the activities of the commission for the implemen-
17 tation and administration, including the activities of the board and the
18 development and administration of the surveys *or research* under this act
19 and shall be made in accordance with appropriation acts upon warrants
20 of the director of accounts and reports issued pursuant to vouchers ap-
21 proved by the Kansas commission on veterans affairs or the commission's
22 designee.

23 New Sec. 10. On and after July 1, 2011, the provisions of K.S.A. 73-
24 1221 through 73-1231, and amendments thereto, shall expire.

25 Sec. 11. K.S.A. 73-1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-
26 1226, 73-1227, 73-1230 and 73-1231 are hereby repealed.

27 Sec. 12. This act shall take effect and be in force from and after its
28 publication in the statute book.