

CHAPTER 147**(HB 139)**

AN ACT relating to veterans.

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

Section 1. KRS 36.300 is repealed, reenacted as a new section of KRS Chapter 40 and amended to read as follows:

- (1) There is created the Department of Veterans' Affairs, which shall be attached to the Office of the Governor for administrative purposes. Notwithstanding KRS 12.028, the department's status as a separate organizational unit attached to the Office of the Governor shall not be changed except by action of the General Assembly. The department shall be headed by a commissioner appointed by the Governor pursuant to KRS 12.040. The Office of the Commissioner is created within the department.
- (2) The Department of Veterans' Affairs shall include the Advisory Board for Veterans' Affairs established by *Section 2 of this Act*~~[KRS 36.310]~~.
- (3) The Department of Veterans' Affairs shall be responsible for providing services to veterans in accordance with *Section 3 of this Act*~~[KRS 36.330]~~ and *Section 5 of this Act*~~[36.350]~~ to *Section 8 of this Act*~~[36.370]~~.

Section 2. KRS 36.310 is repealed and reenacted as a new section of KRS Chapter 40 to read as follows:

- (1) There is created a board to be known as the Advisory Board for Veterans' Affairs which shall be attached to the Department of Veterans' Affairs. The board shall be composed of five (5) members appointed by the Governor. Two (2) of said members shall serve for a period of three (3) years, two (2) for a period of two (2) years and one (1) for a period of one (1) year and all shall serve until their successors are appointed, and with all appointments after the original appointments being for three (3) years. It is further provided that said appointments shall be veterans with service during time of war or hostilities wherein American troops were engaged in conflict with an armed enemy. Insofar as practicable, the Governor, in making appointments to the board, shall give due consideration to a fair representation on the board of nationally recognized veterans' organizations active in Kentucky, based on size of the membership of such organizations in this state. The state headquarters of each said major veterans' organization may, from time to time, submit a list of not more than three (3) names to the Governor from which list original appointments may be made and vacancies filled in his discretion.
- (2) Members of the board shall meet at least once every two (2) months at the Department of Veterans' Affairs, and at such other times as the chairman may designate, and the members shall decide as to the specific meeting date.
- (3) Members of the board shall be paid for the actual expenses incurred upon attendance of meetings of the board subject to the Finance and Administration Cabinet regulations.
- (4) At its first meeting the members of the board shall select a chairman, vice chairman and secretary from among the members.
- (5) The board shall advise the Governor and the commissioner of the Department of Veterans' Affairs on the administration of veterans' services programs.

- (6) The board shall advise the General Assembly on matters relating to veterans' affairs.

Section 3. KRS 36.330 is repealed, reenacted as a new section of KRS Chapter 40 and amended to read as follows:

- (1) The Department of Veterans' Affairs shall collect all necessary data and information regarding facilities and services available to veterans, their families, and dependents, and shall cooperate with all information or service agencies throughout the state in informing such persons regarding the existence or availability of all educational, training, and retraining facilities; health, medical, rehabilitation, and housing services and facilities; employment and reemployment services; provisions of federal, state, and local laws affording rights, privileges, and benefits to said persons, their families, and dependents, and all other matters of similar related or appropriate nature. It shall likewise be the duty of the department to assist veterans and their families and dependents in the presentation, proof, and establishment of all claims, privileges, rights, and other benefits which they may have under federal, state, or local laws, and to cooperate with all national, state, and local government and private agencies securing services or any benefits to veterans, their families, and dependents.
- (2) The commissioner of the Department of Veterans' Affairs shall prepare and submit to the Governor and each member of the board an annual report with reference to claims presented on behalf of veterans and to otherwise report the activities and accomplishments of the department.
- (3) The Department of Veterans' Affairs shall be authorized to apply for and accept gifts, grants, and other contributions from the federal government, or from any other governmental unit which funds shall be administered by the department through use of trust and agency accounts.
- (4) Veterans as used in *Section 2 of this Act* ~~[KRS 36.310]~~ to *Section 3 of this Act* ~~[36.330]~~ include any individual who served on active duty during peace or war in the Armed Forces of the United States, and who has received an honorable discharge from such service.
- (5) The Department of Veterans' Affairs shall maintain full, adequate, and complete copies of all records pertaining to claims of veterans who file said claims for benefits through the department.
- (6) The commissioner of the Department of Veterans' Affairs may purchase liability insurance for the protection of employees of the Department of Veterans' Affairs to protect them from liability for acts, omissions, and claims arising in the course and scope of their employment or service to the department.

Section 4. KRS 36.340 is repealed and reenacted as a new section of KRS Chapter 40 to read as follows:

- (1) The Department of Veterans' Affairs shall establish and maintain state veterans' cemeteries in the Commonwealth for the purpose of providing for the interment of Kentucky veterans of the United States Armed Forces and for their next of kin, as determined by the department.
- (2) The Kentucky state veterans' cemeteries shall be under the administrative authority and control of the Department of Veterans' Affairs. The Department of Veterans' Affairs may promulgate administrative regulations necessary to operate the cemeteries in compliance with applicable state and federal statutes and regulations.

- (3) The Department of Veterans' Affairs is authorized to seek federal and private funding for the construction, renovation, and operation of Kentucky state veterans' cemeteries.

Section 5. KRS 36.350 is repealed, reenacted as a new section of KRS Chapter 40 and amended to read as follows:

The General Assembly has determined the establishment of state veterans' nursing homes to be in the best interests of the veterans of the Commonwealth and necessary to the well-being of our elderly and disabled veterans. Therefore, it is the purpose of **Section 6 of this Act**~~[KRS 36.355]~~ to authorize the establishment of state veterans' nursing homes, to promote their construction or renovation, and to assign administrative responsibility for their planning and operation.

Section 6. KRS 36.355 is repealed and reenacted as a new section of KRS Chapter 40 to read as follows:

- (1) There shall be established and maintained in the Commonwealth of Kentucky state veterans' nursing homes to provide long-term care to veterans who are residents of Kentucky.
- (2) The Kentucky state veterans' nursing homes shall be attached to the Finance and Administration Cabinet. The Finance and Administration Cabinet may promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations.
- (3) The Department of Veterans' Affairs may seek federal and private funding for the construction or renovation, and operation of Kentucky state veterans' nursing homes.

Section 7. KRS 36.360 is repealed and reenacted as a new section of KRS Chapter 40 to read as follows:

For the purpose of financing the costs of the construction or renovation of Kentucky state veterans' nursing homes and all proper costs necessary or incidental thereto, the Department of Veterans' Affairs is hereby authorized to apply to the State Property and Buildings Commission for the issuance of revenue bonds and to enter into any leases or other financing agreements in respect of the Kentucky state veterans' nursing homes necessary or desirable to provide revenues to amortize and secure the revenue bonds.

Section 8. KRS 36.370 is repealed, reenacted as a new section of KRS Chapter 40 and amended to read as follows:

- (1) Revenue bonds issued under the provisions of **Section 7 of this Act**~~[KRS 36.360]~~ and this section shall state that they are issued pursuant to **Section 7 of this Act**~~[KRS 36.360]~~ and this section and to the provisions of KRS Chapters 56 and 58, as applicable. Revenue bonds issued under the provisions of **Section 7 of this Act**~~[KRS 36.360]~~ and this section and the interest thereon shall be exempt from all taxation by the Commonwealth and its political subdivisions. Revenue bonds issued under the provisions of **Section 7 of this Act**~~[KRS 36.360]~~ and this section shall have and are hereby declared to have all the incidents of negotiable instruments.
- (2) The State Property and Buildings Commission, in each resolution authorizing the issuance of revenue bonds under the provisions of **Section 7 of this Act**~~[KRS 36.360]~~ and this section, shall determine the following:
 - (a) The maturity date or dates of the revenue bonds;
 - (b) The manner in which interest shall be paid thereon;

- (c) The terms of redemption applicable thereto; and
 - (d) Such other particulars of the revenue bonds not contrary to law or inconsistent with *Section 7 of this Act*~~[KRS 36.360]~~ and this section.
- (3) Notwithstanding the provisions of KRS Chapters 56 and 58, revenue bonds issued under the provisions of *Section 7 of this Act*~~[KRS 36.360]~~ and this section may be sold by the State Property and Buildings Commission, and the interest rates to be borne by such bonds shall be determined, in such manner as the State Property and Buildings Commission shall decide, including, without limitation, sale by private negotiation.
- (4) No consent of any department, division, commission, board, bureau, or agency of the Commonwealth other than the proceedings, conditions and other things which are specifically required by *Section 7 of this Act*~~[KRS 36.360]~~ and this section and KRS Chapters 56 and 58, shall be required for the issuance of revenue bonds under the provisions of *Section 7 of this Act*~~[KRS 36.360]~~ and this section.

Section 9. The following KRS section is repealed:

194.225 Transfer of veterans' affairs functions to Center for Veterans' Affairs.

Approved March 23, 2000