

1 AN ACT relating to veterans.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO  
4 READ AS FOLLOWS:

5 *The twelfth day of June of each year is designated as Women Veterans' Day in the*  
6 *Commonwealth of Kentucky.*

7 ➔Section 2. The Governor shall issue a proclamation each year designating June  
8 12 as Women Veterans' Day in the Commonwealth of Kentucky and direct the executive  
9 branch to acknowledge the day in commemoration of the numerous contributions,  
10 sacrifices, and valor displayed by women veterans.

11 ➔Section 3. KRS 40.317 is amended to read as follows:

12 *The*~~[No later than June 30, 2008, the]~~ Kentucky Department of Veterans' Affairs shall  
13 employ no *more*~~[fewer]~~ than five (5) veterans' benefits regional administrators and no  
14 fewer than twenty (20) veterans' benefits field representatives.

15 (1) The duties of a veterans' benefits regional administrator shall include but not be  
16 limited to supervision of veterans' benefits field representatives in an assigned  
17 region~~[ and representation of veterans in administrative hearings and before the~~  
18 ~~Board of Veterans' Appeals].~~

19 (2) The duties of a veterans' benefits field representative shall include but not be limited  
20 to providing assistance to veterans and their dependents with initiation, preparation,  
21 documentation, and adjudication of claims to benefits under federal, state, or local  
22 laws.

23 ➔Section 4. KRS 40.325 is amended to read as follows:

24 (1) *As used in this section, "nurse aide" means an individual who has successfully*  
25 *completed the nurse aide training and competency evaluation program and may*  
26 *include a nursing student, medication aide, or a person employed through a*  
27 *nursing pool who provides nursing or nursing-related services to a resident in a*

1 *nursing facility, excluding:*

2 *(a) An individual who is a licensed health professional;*

3 *(b) A volunteer who provides the nursing or nursing-related services without*  
 4 *monetary compensation; or*

5 *(c) A person who is hired by the resident or family to sit with the resident and*  
 6 *who does not perform nursing or nursing-related services.*

7 **(2)** There shall be established and maintained in the Commonwealth of Kentucky state  
 8 veterans' nursing homes to provide long-term care to veterans who are residents of  
 9 Kentucky.

10 ~~**(3)**~~~~(2)~~ There is created the Office of Kentucky Veterans' Centers within the  
 11 Department of Veterans' Affairs. The office shall be headed by an executive director  
 12 appointed pursuant to KRS 12.050. The office shall operate the Kentucky state  
 13 veterans' nursing homes. The Department of Veterans' Affairs may promulgate any  
 14 administrative regulations necessary to operate the homes in compliance with  
 15 applicable state and federal statutes and regulations.

16 ~~**(4)**~~~~(3)~~ The Department of Veterans' Affairs may seek federal and private funding for  
 17 the construction or renovation, and operation of Kentucky state veterans' nursing  
 18 homes.

19 ~~**(5)**~~~~(4)~~ The executive director of the Office of Kentucky Veterans' Centers, with the  
 20 approval of the commissioner of the Department of Veterans' Affairs, may contract  
 21 to hire licensed nurses *and nurse aides* in order to provide needed long-term care of  
 22 veterans in residence at state veterans' nursing homes, and those contracts shall not  
 23 be subject to KRS 45A.550 to 45A.554 or 45A.690 to 45A.725.

24 ➔Section 5. KRS 45A.690 is amended to read as follows:

25 (1) As used in KRS 45A.690 to 45A.725:

26 (a) "Committee" means the Government Contract Review Committee of the  
 27 Legislative Research Commission;

1 (b) "Contracting body" means each state board, bureau, commission, department,  
2 division, authority, university, college, officer, or other entity, except the  
3 Legislature, authorized by law to contract for personal services. "Contracting  
4 body" includes the Tourism Development Finance Authority with regard to  
5 tax incentive agreements;

6 (c) "Governmental emergency" means an unforeseen event or set of  
7 circumstances that creates an emergency condition as determined by the  
8 committee by promulgation of an administrative regulation;

9 (d) "Memorandum of agreement" means any memorandum of agreement,  
10 memorandum of understanding, program administration contract, interlocal  
11 agreement to which the Commonwealth is a party, privatization contract, or  
12 similar device relating to services between a state agency and any other  
13 governmental body or political subdivision of the Commonwealth or entity  
14 qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under  
15 KRS Chapter 65 that involves an exchange of resources or responsibilities to  
16 carry out a governmental function. It includes agreements by regional  
17 cooperative organizations formed by local boards of education or other public  
18 educational institutions for the purpose of providing professional educational  
19 services to the participating organizations and agreements with Kentucky  
20 Distinguished Educators pursuant to KRS 158.782. This definition does not  
21 apply to:

- 22 1. Agreements between the Transportation Cabinet and any political  
23 subdivision of the Commonwealth for road and road-related projects;
- 24 2. Agreements between the Auditor of Public Accounts and any other  
25 governmental agency or political subdivision of the Commonwealth for  
26 auditing services;
- 27 3. Agreements between state agencies as required by federal or state law;

- 1           4.    Agreements between state agencies and state universities or colleges  
2                    only when the subject of the agreement does not result in the use of an  
3                    employee or employees of a state university or college by a state agency  
4                    to fill a position or perform a duty that an employee or employees of  
5                    state government could perform if hired, and agreements between state  
6                    universities or colleges and employers of students in the Commonwealth  
7                    work-study program sponsored by the Kentucky Higher Education  
8                    Assistance Authority;
- 9           5.    Agreements involving child support collections and enforcement;
- 10          6.    Agreements with public utilities, providers of direct Medicaid health  
11                    care to individuals except for any health maintenance organization or  
12                    other entity primarily responsible for administration of any program or  
13                    system of Medicaid managed health care services established by law or  
14                    by agreement with the Cabinet for Health and Family Services, and  
15                    transit authorities;
- 16          7.    Nonfinancial agreements;
- 17          8.    Any obligation or payment for reimbursement of the cost of corrective  
18                    action made pursuant to KRS 224.60-140;
- 19          9.    Exchanges of confidential personal information between agencies;
- 20          10.   Agreements between state agencies and rural concentrated employment  
21                    programs; or
- 22          11.   Any other agreement that the committee deems inappropriate for  
23                    consideration;
- 24          (e)    "Motion picture or entertainment production" means the same as defined in  
25                    KRS 148.542;
- 26          (f)    "Multicontract" means a group of personal service contracts between a  
27                    contracting body and individual vendors providing the same or substantially

1 similar services to the contracting body that, for purposes of the committee,  
2 are treated as one (1) contract;

3 (g) "Nurse aide" means an individual who has successfully completed the  
4 nurse aide training and competency evaluation program and may include a  
5 nursing student, medication aide, or a person employed through a nursing  
6 pool who provides nursing or nursing-related services to a resident in a  
7 nursing facility, excluding:

8 (a) An individual who is a licensed health professional;

9 (b) A volunteer who provides the nursing or nursing-related services  
10 without monetary compensation; or

11 (c) A person who is hired by the resident or family to sit with the resident  
12 and who does not perform nursing or nursing-related services.

13 (h) "Personal service contract" means an agreement whereby an individual, firm,  
14 partnership, or corporation is to perform certain services requiring  
15 professional skill or professional judgment for a specified period of time at a  
16 price agreed upon. It includes all price contracts for personal services between  
17 a governmental body or political subdivision of the Commonwealth and any  
18 other entity in any amount. This definition does not apply to:

- 19 1. Agreements between the Department of Parks and a performing artist or  
20 artists for less than five thousand dollars (\$5,000) per fiscal year per  
21 artist or artists;
- 22 2. Agreements with public utilities, foster care parents, providers of direct  
23 Medicaid health care to individuals except for any health maintenance  
24 organization or other entity primarily responsible for administration of  
25 any program or system of Medicaid managed health care services  
26 established by law or by agreement with the Cabinet for Health and  
27 Family Services, individuals performing homemaker services, and

- 1 transit authorities;
- 2 3. Agreements between state universities or colleges and employers of
- 3 students in the Commonwealth work study program sponsored by the
- 4 Kentucky Higher Education Assistance Authority;
- 5 4. Agreements between a state agency and rural concentrated employment
- 6 programs;
- 7 5. Agreements between the State Fair Board and judges, officials, and
- 8 entertainers contracted for events promoted by the State Fair Board;
- 9 6. Agreements between the Department of Public Advocacy and attorneys
- 10 for the representation of indigent clients who are entitled to
- 11 representation under KRS Chapter 31 and who, by reason of conflict or
- 12 otherwise, cannot be represented by the department, subject to quarterly
- 13 reports of all such agreements to the committee;
- 14 7. Agreements between the Office of Kentucky Veterans' Centers and
- 15 licensed nurses and nurse aides in order to provide critically needed
- 16 long-term care to Kentucky veterans who are residents in state veterans'
- 17 nursing homes pursuant to KRS 40.325; or
- 18 8. Any other contract that the committee deems inappropriate for
- 19 consideration;

20 ~~(i)(h)~~ "Tax incentive agreement" means an agreement executed under KRS

21 148.546; and

22 ~~(i)(i)~~ "Tourism Development Finance Authority" means the authority

23 established by KRS 148.850.

24 (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense

25 with the requirements of any other law necessary to make the personal service

26 contract or memorandum of agreement valid.

27 ➔Section 6. Whereas it is increasingly difficult to staff veterans centers during the

1 outbreak of the Coronavirus Disease, an emergency is declared to exist, and this Act takes  
2 effect upon its passage and approval by the Governor or upon its otherwise becoming a  
3 law.