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David Fye  
Fiscal Analyst  
785-296-3181  
David.Fye@klrd.ks.gov

# **Kansas Legislator Briefing Book 2014**

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## **State Government**

### **U-1 Veterans and Military Personnel Issues**

#### **Select Benefits Provided by the State of Kansas to Military Personnel**

The State of Kansas, through several state agencies, provides certain benefits to current and former members of the military and, in some cases, to their spouses, widows and widowers, and children. Many of those benefits are summarized below. Most of the listed benefits are created in statute; a few are created by appropriations proviso or by agency policy.

#### **BENEFITS ASSISTANCE**

##### **Kansas Commission on Veterans' Affairs**

The Kansas Commission on Veterans' Affairs (KCVA) provides Kansas veterans, their relatives, and other eligible dependents with information, advice, direction, and assistance through the coordination of programs and services in the fields of education, health, vocational guidance and placement, and economic security. The KCVA Claims Assistance Program assists veterans in obtaining appropriate benefits from the U.S. Department of Veterans Affairs.

##### **Veterans Claims Assistance Program**

Veterans' service organizations may apply both monetary and non-monetary support (called a "match") in order to continue to qualify for and receive service grants under the Veterans Claims Assistance Program (VCAP). The VCAP Advisory Board makes recommendations on match funding levels. These recommendations are considered by the KCVA.

#### **EDUCATION**

##### **Residency**

Military personnel, veterans, their spouses and dependents are considered residents by community colleges and Board of Regents institutions under the following circumstances:

- The military member is on active duty, living in Kansas; or
- The veteran continues to live in Kansas after honorable discharge, if that individual lived in Kansas for at least two years previously.

### **Scholarships and Other Educational Opportunities**

Various scholarships and educational opportunities are available for military personnel and their dependents, including:

- Scholarships are available to Kansas residents who have served in the military since September 11, 2001, in international waters or on foreign soil in support of military operations for at least 90 days (or less, if injured). The Board of Regents determines rules for participation.
- ROTC scholarships are available at Board of Regents institutions, Washburn University, and community colleges.
- Educational institutions, including area vocational schools and technical colleges, are to provide for enrollment without charge of tuition or fees for dependents or unremarried widows or widowers of any Kansas resident who died while, and as a result of, serving in military service on or after September 11, 2001. (The institution may be reimbursed, subject to appropriations.)
- Obligations to the State for taking certain types of state scholarships can be postponed for military service.
- Eligible National Guard members are to be paid the amount of tuition and required fees charged by the educational institution for enrollment in courses necessary to complete an educational program.
- Free tuition and fees are authorized for dependents of those who are prisoners of war or missing in action.
- Free tuition and fees are authorized for dependents of those who died as a result of a service-connected disability suffered during the Vietnam conflict.
- The Interstate Compact on Education Opportunities for Military Children transitions students to new schools by providing records transfer and facilitating the student placement process. Provisions apply to children of active members of the military, including those members injured and medically discharged, and those retired members for up to one year after retirement.

### **EMERGENCY FINANCIAL ASSISTANCE**

The Adjutant General may enter into grants and interest-free loans with members of the Kansas National Guard and of reserve forces and their families to assist with financial emergencies. A checkoff on individual income tax return forms allows individuals to contribute to the Military Emergency Relief Fund.

### **EMPLOYMENT**

#### **Hiring - Veterans Preference**

The veterans' preference applies to initial employment and first promotion with state government and with counties and cities in "civil service" positions. Veterans are to be preferred if "competent," which is defined to mean "likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the decision is made."

A "Veteran" is one who has been honorably discharged from service in the armed forces and includes spouses in certain situations:

- The spouse of a veteran who has a 100 percent service-connected disability;
- The unremarried spouse of a veteran who died while, and as a result of, serving in the armed forces; or
- The spouse of a prisoner of war.

Certain types of jobs are excluded from the preference, e.g., elected positions, city or county at-will positions, positions that require licensure as a physician, and positions that require the employee to be admitted to practice law in Kansas.

The hiring authority is required to take certain actions, including noting in job notices that the hiring authority is subject to veterans' preference, and explaining how the preference works and how veterans may take advantage of the preference.

### **Pensions and Life Insurance**

State pension participants away from state jobs for military service may be granted up to five years of state service credit for their military service. An employee may buy up to six years of service credit that is not granted, and purchased service need not be preceded or followed by state employment.

Additionally, an absence for extended military service is not considered termination of employment unless the member withdraws accumulated contributions.

Basic life insurance, worth 150 percent of annual salary, continues while the employee is on active duty. An employee may continue to have optional life insurance by paying the premiums for 16 months; after that, the policy may be converted to an individual policy.

### **Position Reinstatement**

An officer or employee of the State or any political subdivision does not forfeit that position when entering military service; instead, the job has a "temporary vacancy," and the original jobholder is to be reinstated upon return. Anyone called or ordered to active duty by the state and who gives notice to his or her public or private employer and reports back to that employer within 72 hours of discharge is to be reinstated to the former position (unless it was a temporary position). A state employee who returns to classified service within 90 days after an honorable discharge is to be returned to the same job or another job comparable in status and pay in the same geographic location.

A state employee's appointing authority may grant one or more pay step increases upon return.

### **Professional Licenses - Credit for Military Education and Training**

A law enacted in 2013 directs state agencies issuing professional licenses to accept from an applicant for license the education, training, or service completed in the military. The education, training, or service must be equal to the existing educational requirements established by the agency, and the individual must have received an honorable discharge or a general discharge under honorable conditions.

### **Professional Licenses - Maintaining License While Serving**

A license to engage in or practice an occupation or profession issued by the State is valid while the licensee is in military service and for up to six months following release, without the licensee paying a renewal fee, submitting a renewal application, or meeting continuing education or other license conditions. (This provision does not apply to licensees who engage in the licensed activity outside of the line of duty while in military service.) No such license may be revoked, suspended, or canceled for failure to maintain professional liability insurance or failure to pay the surcharge to the Health Care Stabilization Fund.

### **Professional Licenses - Non-Resident Military Spouse**

A law enacted in 2012 requires some state licensing agencies to issue a license to a nonresident military spouse for the spouse to lawfully practice a regulated profession in Kansas. The licensee must meet certain requirements, including:

- Hold a current license in another jurisdiction;
- Not had the license limited, suspended, or revoked;
- Not been disciplined in another jurisdiction;

- Pay fees required by the Kansas licensing agency; and
- Submit a signed application and affidavit that the application information provided is correct.

## Protected Consumers

The 2010 Legislature added veterans to the list of protected consumers under the Kansas Consumer Protection Act. This includes members of the military, veterans, the surviving spouses of veterans, and immediate family members of individuals serving in the military.

## State Employee Direct Payment Benefits

Benefits-eligible employees in the State's executive branch who are on military leave as activated reserve component uniformed military personnel may be eligible for one-time activation payments of \$1,500.

Additionally, benefits-eligible State employees who are called to full-time military duty and are mobilized and deployed may receive the difference between their military pay, plus most allowances, and their regular State of Kansas wages, up to \$1,000 per pay period.

## HIGHWAYS AND BRIDGES

The State of Kansas honors veterans by designating portions of highways in their name. The Department of Transportation provides a Memorial Highways and Bridges Map on its website at <http://www.ksdot.org/burtransplan/maps/SpecialInterest.asp>.

## HOUSING AND CARE

Certain veterans, primarily those with disabilities, are eligible for housing and care at the Kansas Soldiers' Home, near Fort Dodge, and the Kansas Veterans Home, Winfield. The KCVA states priority for admission of veterans will first be made on the basis of severity of medical care required.

## HUNTING, FISHING, AND PARKS

Several types of permit and licensing benefits are available to military personnel and veterans. The Department of Wildlife, Parks and Tourism may:

- Issue annual hunting and fishing licenses without charge to any honorably discharged Kansas veteran who has a service-related disability of 30 percent or more. The disability must be certified by the KCVA.
- Reissue big game or wild turkey limited draw permits to military personnel forced to forfeit such a permit due to deployment for armed conflict or war.
- Make available ten wounded warrior deer permits (primarily nonresident) each calendar year. These wounded warrior permits are available to disabled veterans who sustained injuries in combat and have a service-connected disability of not less than 30 percent.
- Issue free annual park vehicle permits to Kansas Army or Air National Guard members, with a limit of one per family.

Additionally, nonresident active duty military personnel who are stationed within Kansas may purchase licenses, permits, stamps, and other issues of the Department of Wildlife, Parks and Tourism (except lifetime licenses) under the same conditions as a resident. A person who was a resident immediately prior to entry into the armed forces, and members of his or her immediate family who live with him or her, also will be treated like residents for this purpose.

## INSURANCE

### Personal Insurance

No personal insurance shall be subject to cancellation, non-renewal, premium increase, or adverse tier placement for the term of a deployment, based solely on that deployment.

## Private Health Insurance

A Kansas resident with individual health coverage, who is activated for military service and therefore becomes eligible for government-sponsored health insurance, cannot be denied reinstatement to the same individual coverage following honorable discharge.

## TAXES

### Income Tax - Checkoff Provisions

An income tax checkoff has been placed on the state individual income tax form, whereby taxpayers may voluntarily contribute to the Kansas Hometown Heroes Fund. All moneys deposited in the Fund are required to be used solely for the veteran services program of the KCVA.

### Property Tax - Deferral

A full-time member of the military who is or soon will be deployed outside of the United States for at least six months, may defer payment of taxes on real property for up to two years. A claim for the deferral must be filed with the county clerk.

### Property Tax - Homestead

Eligible claimants for the Homestead Property Tax Refund Program include certain disabled veterans and surviving spouses of active duty military personnel who have died in the line of duty. Disabled veterans are defined to include Kansas residents who have been honorably discharged from active service in the armed forces or Kansas National Guard and who have been certified to have a 50 percent or more permanent disability sustained through military action or accident or resulting from disease contracted while in such active service. Surviving spouses of disabled veterans remain eligible unless they remarry.

## Vehicle Taxes

No tax is to be levied on one or two vehicles owned by a Kansas resident who is in the full-time military service of the United States, is absent from the state solely by reason of military orders on the date registration is due, and maintains the vehicles outside of this state.

## VEHICLE-RELATED BENEFITS

### Driver's License Requirements - Waiver

The Director of Vehicles, Kansas Department of Revenue, may waive the skills test for an applicant for a commercial driver's license, if that applicant provides evidence of certain military commercial vehicle driving experience. The applicant's military driving experience must meet the requirements of 49 CFR 383.77, including requirements that the applicant was operating a vehicle representative of the commercial motor vehicle the applicant expects to operate and the applicant has not been convicted of any offense (such as driving under the influence of alcohol or a controlled substance) that would disqualify a civilian commercial driver. An applicant still will be required to pass the Kansas knowledge test for driving a commercial motor vehicle. Also, some state requirements for written and driving testing may be waived for an applicant for a Class M (motorcycle) driver's license who has completed motorcycle safety training in accordance with Department of Defense requirements.

### License Plates - "Families of the Fallen"

"Families of the Fallen" license plates for passenger vehicles and small trucks may be issued to "Department of Defense-recognized next of kin of deceased military personnel," defined as any person entitled to receive the Department of Defense Gold Star lapel button or the lapel button for next of kin of deceased active duty personnel.

## License Plates - Military Designation

Veterans and current members of the military may receive a distinctive license plate, upon proper registration and payment of the regular license fee. A decal will indicate the appropriate military branch in which the person served or is serving. Decals also are available to indicate the person was awarded certain medals, badges, ribbons, and crosses. The fee is \$2 per decal. Specific Vietnam War veteran license plates were added in 2010.

## License Plates - Select Plates Provided

Free license plates for passenger vehicles and trucks with gross weights of 20,000 pounds or less are available to certain veterans:

- Military service veterans and civilians who were held as prisoners of war; and
- Military service veterans who have been determined by the U.S. Department of Veterans Affairs to be entitled to compensation for 50 percent (changed from 100 percent in 2009) disability or entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes.

## VIETNAM WAR ERA MEDALLION PROGRAM

The Vietnam War Era Medallion Program provides eligible veterans with a medallion, a medal, and a certificate of appreciation. The Medallion Program is open to veterans who served within the United States or in a foreign country, regardless of whether the veteran was under 18 years of age at the time of enlistment.

To be eligible for participation in the Medallion Program, the veteran must:

- Have served on active duty in the U.S. Military Service at any time beginning February 28, 1961, and ending May 7, 1975;
- Be a legal resident of Kansas, or have been a legal resident of Kansas, at

the time the veteran entered or was discharged from military service or at the time of the veteran's death; and

- Have been honorably separated or discharged from the military, still be on active service in an honorable status, or was in active service at the time of the veteran's death.

## VOTING OPPORTUNITIES

Overseas military personnel and their family members may vote a full ballot for all elections; may apply for, receive, and return their ballots by electronic means; and may vote a write-in ballot.

## OTHER BENEFITS

### Anti-Discrimination Towards Military Personnel

Kansas law prohibits discrimination on the basis of military status. (Alleged violations are a civil matter.)

### Concealed Carry Licenses

A member of the active duty military without a Kansas driver's license or a Kansas nondriver's license identification card may still obtain a concealed carry license number. The Attorney General assigns unique concealed carry license numbers to military applicants. Upon completing all other requirements for a concealed carry permit, a member of the armed forces would be granted a license under the Personal and Family Protection Act.

### Military Burials

Certain veterans and their eligible dependents may be buried in state veterans' cemeteries. Cemeteries are located in Fort Dodge, Fort Riley, WaKeeney, and Winfield. The final disposition of a military decedent's remains would supersede existing statutory listing of priorities for such remains. The provision applies to all active duty

military personnel and gives priority to the federal Department of Defense Form 93 in controlling the disposition of the decedent's remains for periods when members of the U.S. armed forces, reserve forces, or national guard are on active duty. A certified copy of an original discharge or other official record of military service may be filed with the Adjutant General, who will provide copies free of charge if they are needed to apply for U.S. Department of Veterans Affairs benefits.

driver's license or non-driver identification card, by showing proof of military service in the form of a DD214 or equivalent form. The veteran must have received an honorable discharge or general discharge under honorable conditions. The Secretary of Revenue may provide names and addresses from motor vehicle records to the KCVA for the purpose of assisting the Commission in notifying veterans of the facilities, benefits, and services available to veterans in the State of Kansas.

### **“Veteran” Designation on Driver’s Licenses and Identification Cards**

Beginning July 1, 2014, a veteran may have “VETERAN” printed on the front of a state-issued

For more information, please contact:

David Fye, Fiscal Analyst  
[David.Fye@klrd.ks.gov](mailto:David.Fye@klrd.ks.gov)

Michael Steiner, Research Analyst  
[Michael.Steiner@klrd.ks.gov](mailto:Michael.Steiner@klrd.ks.gov)

Kansas Legislative Research Department  
300 SW 10th Ave., Room 68-West, Statehouse  
Topeka, KS 66612  
Phone: (785) 296-3181  
Fax: (785) 296-3824