



**M-1**  
**Cybersecurity**

**M-2**  
**Veterans and Military Personnel Benefits**

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# Kansas Legislator Briefing Book 2018

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## Veterans, Military, and Security

### M-2 Veterans and Military Personnel Benefits

Most benefits for military personnel and veterans are offered by the federal government. However, states can offer additional benefits and resources to veterans and military families. Kansas has established agencies to assist veterans and military family members in filing claims for federal benefits and offers other benefits for veterans and their families who reside in the state. This article summarizes recent Kansas legislation enacted to support veterans and military families, provides information on the state agency and programs established to help veterans and military families access their benefits, explains some of the benefits available to veterans and military families in Kansas, and provides information on resources where more detailed information can be found.

#### 2017 Legislation

Kansas regularly passes legislation to address veterans' needs. Legislation passed in 2017 added current members of the military to the definition of "protected consumer" in the Kansas Consumer Protection Act. Additionally, legislation was passed that allows those with distinctive military-related license plates to purchase decals indicating certain military honors and to display a wheelchair emblem decal on their distinctive license plate. More information about the current benefits and protections available for Kansas veterans, service members, and military families is included under the below headings.

#### Benefits Assistance

**Kansas Commission on Veterans' Affairs Office (KCVAO).** The KCVAO provides Kansas veterans and their families with information and assistance by coordinating programs and services to help them improve their quality of life. The KCVAO's available services range from helping veterans file claims for medical, educational, or other benefits to helping veterans obtain earned medals and military awards. KCVAO Veterans Services Representatives are available, free of charge, to assist veterans and family members.

**Veterans' Claims Assistance Program (VCAP).** The purpose of the VCAP is to improve the coordination of veterans' benefits counseling in Kansas, ensure efficient use of taxpayer dollars, and serve veterans with the necessary counseling and assistance. The

VCAP, through its advisory board, also advises the Director of the KCVAO on all veterans' services, including the VCAP. The VCAP Advisory Board also makes recommendations to the Director of the KCVAO regarding match funding levels for veterans' service organizations.

## State of Kansas Veterans' Benefits

### Education

**Residency.** Veterans, their spouses, and their children are considered residents by community colleges and Board of Regents institutions. When such a person is using federal educational benefits to attend college, resides in or is assigned to a permanent duty station in Kansas, or previously had established residence in Kansas prior to service and lives in Kansas at the time of enrollment, the person will be charged in-state tuition and fees regardless of length of residency.

**Scholarships.** Kansas offers scholarships for veterans, active duty military personnel, and Kansas National Guard members. In some cases, spouses and dependents of veterans also are eligible for scholarship consideration.

The Kansas Military Service Scholarship covers tuition and fees for certain active duty service members and honorably discharged (or generally discharged under honorable conditions) veterans who deployed or received hostile fire pay for at least 90 days after September 11, 2001. The 90-day requirement may be waived if the servicemember was injured during such military service.

The Kansas National Guard Educational Assistance Program provides a percentage of tuition and fees for enlisted personnel in the Kansas Air/Army National Guard who have a high school diploma or GED, have less than 20 years of service, and have not already obtained a bachelor's degree.

Kansas also offers free tuition and fees to dependents and unmarried widows and widowers of service members killed in action while serving

on or after September 11, 2001; dependents of those who are prisoners of war or missing in action; and dependents of those who died as a result of service-connected disabilities suffered during the Vietnam conflict.

Obligations to the State for taking certain types of state scholarships can be postponed for military service.

Kansas also offers ROTC scholarships at Board of Regents institutions, Washburn University, and community colleges for students interested in becoming commissioned officers in the Armed Forces.

More information about educational resources available to veterans and military families can be found at:

- [http://myarmybenefits.us.army.mil/Home/Benefit\\_Library/State\\_Territory\\_Benefits/Kansas.html](http://myarmybenefits.us.army.mil/Home/Benefit_Library/State_Territory_Benefits/Kansas.html); and
- <http://www.kansasregents.org/students/military>.

**Military Interstate Children's Compact Commission.** Kansas has been a member of the Military Interstate Children's Compact Commission since 2008. The Compact addresses educational transition issues military families face when relocating to new duty stations. The Compact assists military families with enrollment, placement, attendance, eligibility, and graduation.

Active duty service members' children, National Guard and Reserve service members on active duty orders, and service members or veterans who are medically discharged or retired for one year are eligible for assistance under the Compact.

More information and points of contact are available at <http://mic3.net/Kansas.html>.

### Emergency Financial Assistance

The Adjutant General may extend grants and interest-free loans to Kansas National Guard service members, members of the reserve forces, and their families to assist with financial

emergencies. Individuals may contribute to the Military Emergency Relief Fund by checking the designated block on their individual income tax return forms.

## **Employment**

**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."

Veterans' preference applies to veterans who have been honorably discharged from the Armed Forces. The veterans' preference will also extend to spouses of veterans who have 100 percent service-connected disability, surviving spouses (who have not remarried) of veterans killed in action or died as result of injuries while serving, or the spouses of prisoners of war. Veterans' preference does not apply to certain types of jobs such as 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, explaining how the preference works, and explaining how veterans may take advantage of the preference.

For more information regarding veterans' preference, visit <https://admin.ks.gov/services/state-employment-center/veterans>.

**Private veterans' preference.** Private employers may establish a veterans' hiring preference in Kansas. The veterans' preference must be in writing and must be applied consistently. Veterans are required to provide the employer with proof of

military service and discharge under honorable conditions.

**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 such time, 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 this state, or any other states' reserve compartment, 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.** Statutes direct state agencies issuing professional licenses to accept from an applicant 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. The license may be granted even if the

service member was discharged under less than honorable conditions.

While this rule generally does not apply to the Board of Nursing, the Board of Emergency Medical Services, or the practice of law, there are special provisions for nurses and emergency medical technicians. Statutes authorize the Board of Nursing to waive the requirement that an applicant graduate from an approved school of practical or professional nursing if the applicant passed the National Council Licensure Examination for Practical Nurses, has evidence of practical nursing experience within the U.S. Military, and was separated from service with an honorable discharge or under honorable conditions.

Statute also mandates the granting of an Attendant's Certificate to an applicant who holds a current and active certification with the National Registry of Emergency Medical Technicians (NREMT) and who completed emergency medical technician training as a member of the U.S. Military. For these provisions to apply, the applicant must have received an honorable discharge or have been separated under honorable conditions. Additionally, the 2016 Legislature passed SB 225, also known as the Interstate Compact for Recognition of Emergency Medical Personnel Licensure (Compact). On May 8, 2017, the Compact was activated after Georgia was the tenth state to sign the Compact into law. Kansas now considers active and former service members, in addition to their spouses, who hold a current valid and unrestricted NREMT certification, as having the minimum training and examination requirements for EMT licensure.

Kansas also allows a person to receive a license to practice barbering if they have been certified in a related industry by any branch of the U.S. Military, and completed a course of study in a licensed Kansas barber college or school.

**Professional licenses—maintaining license while serving.** A state license issued to engage in or practice an occupation or profession 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.

**Expedited professional licenses—military service members' non-resident military spouses.** Kansas professional licensing bodies are required to grant professional licenses to nonresident military spouses and service members who hold professional licenses in other states, if the licensees meet certain requirements. These licenses must be issued within 60 days after a complete application is submitted.

**Probationary licenses—service members and military spouses.** A service member or military spouse may have a license on a probationary basis for up to six months when the licensing body does not have licensure, registration, or certification by endorsement, reinstatement, or reciprocity and the servicemember or military spouse meets certain criteria.

**Temporary Bar admission for military spouses.** On September 15, 2016, the Kansas Supreme Court adopted Rule 712A granting applicants temporary admission to the Kansas Bar without a written examination if they are currently married to a military service member stationed in Kansas and have been admitted to the practice of law upon a written examination by the highest court of another state or in the District of Columbia.

**Military leave for state employees.** Benefits-eligible state employees who are members of a reserve component of the military are granted 15 working days of military leave with pay for active duty per year. On June 29, 2017, the Department of Administration gave notice of public hearing on proposed changes to the regulation providing for military leave. The proposed changes would increase leave to a maximum of 30 days for any required military duty and would clarify that employees in either classified or unclassified

positions would be eligible for leave. The public hearing was conducted on August 30, 2017, and if approved, the regulation will be effective upon publication in the *Kansas Register*.

**State employee direct payment benefits.** Benefits-eligible state employees 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 at <http://www.ksdot.org/maps.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 in Winfield. The KCVAO states priority for admission of veterans will be given on the basis of severity of medical care required. For more information, see:

- <https://kcva.ks.gov/veteran-homes/fort-dodge-home>; and
- <https://kcva.ks.gov/veteran-homes/winfield-home>.

## 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.

## Judicial Benefits

### *Diversion Considerations*

A prosecutor may consider combat service-related injuries when considering whether to enter into a diversion agreement with a defendant. The injuries considered include major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury.

### *Sentencing Considerations*

Sentencing judges may consider combat service-related injuries (including major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury) as mitigating factors when sentencing a defendant.

### **Court-ordered Treatment Considerations**

A judge may consider combat service connected injuries (including major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury) when ordering a defendant to treatment. There is no requirement that a defendant have a discharge under honorable conditions to qualify for court-ordered treatment. Treatment in the 2003 SB 123 program is an alternative for a defendant who meets the criteria for court-ordered treatment and the 2003 SB 123 program, but cannot receive treatment through a military treatment facility or veterans' treatment facility.

## Taxes

**Income tax—check-off provisions.** Taxpayers may contribute income tax refunds or additional money to the Kansas Military Emergency Relief Fund, to be used to help military families defray costs of necessities while a family member is on

active duty or for other services to support military families, and the Kansas Hometown Heroes Fund, to be used solely for veterans services programs of the KCVAO.

**Property tax—deferral.** An active duty service member who has orders to deploy, or is currently 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.** Certain disabled veterans and surviving spouses who do not remarry are eligible for the Homestead Property Tax Refund Program. Disabled veterans are those Kansas residents who have been honorably discharged from active duty in the armed forces or Kansas National Guard and who have been certified to have a 50 percent or more permanent service-connected disability.

**Motor vehicle taxes.** Active duty service members who are Kansas residents are not required to pay motor vehicle taxes for their first two vehicles if they maintain vehicles outside of the state and are absent from the state on military orders on the date that the registration payment is due.

### Vehicle-Related Benefits

**Driver's license requirements—waiver.** The Director of Vehicles and 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. The applicant must have military experience operating a vehicle similar to the commercial motor vehicle the applicant expects to operate. The applicant must not have 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 U.S. Department of Defense requirements.

**“Veteran” designation on driver's licenses and identification cards.** A veteran may have “VETERAN” printed on the front of a State-issued driver's license or a 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 KCVAO for the purpose of assisting the KCVAO in notifying veterans of the facilities, benefits, and services available to veterans in the State of Kansas.

**License plates.** Kansas has several distinctive license plates available for veterans and family members. In some cases, those license plates may be provided at no cost. More information on military-related license plates is available at <https://www.ksrevenue.org/dovplates.html>. Additionally, several decals depicting medals or combat ribbons are available to display on certain veterans license plates, and beginning January 1, 2018, a wheelchair emblem decal may be affixed to a distinctive license plate to indicate the vehicle transports a person with a permanent disability, providing an alternative to the Disabled Veteran distinctive tag.

### 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. Eligible veterans are those that served on active duty in the U.S. Military between February 28, 1961, and May 7, 1975; are legal residents of Kansas or were legal residents at the time they entered military service, the time they were discharged from military service, or at the time of

their death; and were honorably discharged, are still on active duty in an honorable status, or were on active duty at the time of their death.

### Voting Opportunities

Overseas military personnel and their family members may vote a full ballot for all elections. The ballots will be mailed 45 days before an election. The military servicemember or family member may submit a ballot to the county election office before polls close by mail, e-mail, or fax. For more information, see <http://www.voteks.org/when-you-vote/how-will-i-vote.html>.

### Parking Privileges for Disabled Veterans

Veterans with disabled veterans license plates or wheelchair emblem decals may exercise free parking privileges in spaces reserved for disabled persons in public parking facilities and parking lots that employ parking attendants.

### Other Benefits

**Anti-discrimination towards military personnel.** Kansas law prohibits discrimination on the basis of military status. Alleged violations are a civil matter.

**Permits and licensing.** Several types of hunting and fishing permits and licensing benefits are available to military personnel and veterans. More information about these benefits is available at:

- <http://ksoutdoors.com/Hunting/Applications-and-Fees>; and
- <http://ksoutdoors.com/Fishing/Fishing-Application-and-Fees>.

**Concealed carry licenses.** Active duty military personnel and their dependents residing in Kansas may apply for a concealed carry handgun license without a Kansas driver's license or a Kansas nondriver's license identification card. Upon presenting proof of active duty status and completing other requirements for a concealed carry permit, the service member or dependent would be granted a license under the Personal

and Family Protection Act and issued a unique license number.

Active duty military personnel stationed outside of Kansas can also apply for a concealed carry license if they provide evidence of completion of a course offered in another jurisdiction determined by the Attorney General to have training requirements that are equal to or greater than those required in Kansas.

**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 U.S. 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.

**Consumer protection.** The Kansas Consumer Protection Act (Act) defines members of the military and their immediate family members as well as veterans and their surviving spouses as "protected consumers" under the Act (KSA 2016 Supp. 50-676, as amended by 2017 SB 201). The Act protects consumers from deceptive business practices.

**Alternate death gratuity.** Effective January 1, 2015, if federal funding is not available during a federal government shutdown, the Adjutant General will pay a death gratuity of \$100,000 for any eligible Kansas military service member. The Adjutant General will secure federal reimbursements after the government reopens.

## Additional Benefits Information

The U.S. Army's official benefits website provides a general overview of military and veterans' benefits in Kansas along with contact information for some state agencies: [http://myarmybenefits.us.army.mil/Home/Benefit\\_Library/State\\_Territory\\_Benefits/Kansas.html](http://myarmybenefits.us.army.mil/Home/Benefit_Library/State_Territory_Benefits/Kansas.html).

The Kansas Board of Regents' website lists scholarships available for military personnel, veterans, and spouses along with the requirements for each scholarship: <http://www.kansasregents.org/students/military>.

The KCVAO's website includes several resources for veterans and military personnel. The following links cover federal and state benefits, employment resources, and educational resources:

- <http://www.kcva.org>;
- <http://kcva.ks.gov/veteran-services/federal-benefits>;
- <http://kcva.ks.gov/veteran-services/state-benefits>;
- <http://kcva.ks.gov/kanvet>;

- <http://kcva.ks.gov/kanvet/employment-resources>; and
- <http://kcva.ks.gov/kanvet/education-resources>.

The U.S. Department of Veterans Affairs' Kansas website includes links for veterans health administration offices, veterans benefits administrations offices, and national cemetery administration offices: [https://www.va.gov/landing2\\_locations.htm](https://www.va.gov/landing2_locations.htm).

The U.S. Department of Labor's website lists the contact information for the Kansas Director of Veterans' Employment and Training as well as Kansas employment resources for veterans and federal resources for veterans: <https://www.dol.gov/vets/aboutvets/regionaloffices/chicago.htm#ks>. The Kansas Adjutant General's Office's Kansas Military Bill of Rights website lists benefits and services that Kansas provides to veterans and military personnel: <https://www.dol.gov/vets/>.

Additional information, including statutory citations when appropriate, is available at <http://www.kslegresearch.org/KLRD-web/VeteransMilitary&Security.html>.

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