

Veterans, Military, and Security

O-1 Cybersecurity

A number of provisions related to cybersecurity have been considered by the Legislature in recent years, while many other states introduced and enacted cybersecurity measures of their own. An overview of these activities follows.

Kansas Legislation

SB 454 (2020)

SB 454, as amended by the Senate Committee on Ethics, Elections and Local Government, would have added cybersecurity assessments, cybersecurity plans, and cybersecurity vulnerabilities to the list of exceptions to disclosure in the Kansas Open Records Act (KORA). The bill also would have defined these three new terms. The bill was passed by the Senate, but no action was taken by the House Committee on Elections. As introduced, the bill contained provisions related to election security that were removed by the Senate Committee.

HB 2209 (2019–enacted)

HB 2209, among other provisions related to insurance, allows the Kansas Board of Regents (KBOR) to purchase cybersecurity insurance. The bill allows KBOR to purchase such insurance as it deems necessary to protect student records, labor information, and other statutorily protected data KBOR maintains, independent of the Committee on Surety Bonds and Insurance, and without complying with purchasing procedures of the Department of Administration. The term “cybersecurity insurance” includes, but is not limited to, first-party coverage against losses such as data destruction, denial of service attacks, theft, hacking, and liability coverage guaranteeing compensation for damages from errors, such as the failure to safeguard data.

House Sub. for SB 56 (2018–enacted)

House Sub. for SB 56 created the Kansas Cybersecurity Act (Act). The legislation established the position of Chief Information Security Officer (CISO) and the Kansas Information Security Office (KISO) within the Office of Information Technology Services (OITS) to

administer the Act and perform various functions related to cybersecurity for executive branch agencies. The definition of “executive branch agency” excludes elected office agencies, the Kansas Public Employees Retirement System, Regents institutions, the State Board of Regents, and the Adjutant General’s Department. Executive branch agency heads are solely responsible for the security of all data and information technology resources under the agency’s purview through various measures and procedures. Executive branch agencies have the discretion to pay for cybersecurity services from existing budgets, from grants or other revenues, or through special assessments to offset costs. Any increase in fees or charges due to the Act, including cybersecurity fees charged by the KISO, are to be fixed by rules and regulations adopted by the agency and can only be used for cybersecurity.

Sub. for HB 2331 (2017)

Sub. for HB 2331 would have enacted the Representative Jim Morrison Cybersecurity Act. The bill was based on the previous year’s HB 2509 in that it would have created the KISO and established the position of CISO in statute.

The bill would have also established the Kansas Information Technology Enterprise (KITE), which would have consolidated functions of OITS and transferred current OITS employees and officers to KITE.

The House Committee on Government, Technology, and Security introduced HB 2331 during the 2017 Legislative Session. The House Committee recommended a substitute bill be passed that would have included various amendments to the original contents of 2017 HB

2331, as well as an amended version of 2017 HB 2359 (relating to the creation of KITE). After passing the House Committee of the Whole, the bill was referred to the Senate Committee on Ways and Means. The Senate Committee heard testimony on the bill, but did not take any further action during the 2017 or 2018 Legislative Sessions.

Other States’ Legislation

In 2020, 38 states and Puerto Rico considered more than 280 bills or resolutions related to cybersecurity. According to the National Conference of State Legislatures, common cybersecurity legislation categories included:

- Requiring implementation of training or specific types of security policies and practices to improve incidence response and preparedness;
- Increasing penalties for digital crime or addressing specific crimes such as the use of ransomware (malicious software that limits computer function until a fee has been paid);
- Regulating cybersecurity within the insurance industry or addressing cybersecurity insurance;
- Creating cybersecurity commissions, task forces, or studies; and
- Supporting programs for cybersecurity training and education.

For more information on other states’ recent cybersecurity legislation, see <https://www.ncsl.org/research/telecommunications-and-information-technology/cybersecurity-legislation-2020.aspx>.

For more information, please contact:

James Fisher, Managing IT Analyst
James.Fisher@klrd.ks.gov

Natalie Nelson, Principal Research Analyst
Natalie.Nelson@klrd.ks.gov

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

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Natalie Nelson
Principal Research Analyst
785-296-4418
Natalie.Nelson@klrd.ks.gov

Veterans, Military, and Security

O-2 Veteran 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. The Kansas Commission on Veterans' Affairs Office (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 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.

Education

Tuition. Veterans, their spouses, and their children are considered residents by community colleges and Kansas Board of Regents (KBOR) 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 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.

Kansas offers free tuition and waives fees for dependents and unmarried widows and widowers of servicemembers 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.

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 servicemembers 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 tuition and fee assistance for enlisted personnel in the Kansas Air or Army National Guard who are not under a suspension of favorable action flag, not currently on the unit unfavorable information file, have a high school diploma or GED, and have not already obtained a bachelor's or higher academic degree.

Kansas offers Reserve Officer Training Corps (ROTC) scholarships at KBOR 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; 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. More information and points of contact are available at <https://mic3.net/state-profiles/>.

Employment

Veterans' preference. Veterans who have been honorably discharged are to be preferred in initial employment and first promotion within city, county, and state government 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." The veterans' preference will also extend to spouses of veterans who have a 100-percent

service-connected disability, surviving spouses (who have not remarried) of veterans killed in action or who died as result of injuries while serving, and 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.

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 consistently applied. Veterans are required to provide the employer with proof of military service and discharge under honorable conditions.

Pensions. State pension participants absent from state employment 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 credit need not be preceded or followed by state employment.

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 state's reserve component, 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 servicemember 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.

Additionally, Kansas has enacted the Interstate Compact for Recognition of Emergency Medical Personnel Licensure allowing Kansas to consider active and former servicemembers, in addition to their spouses, who hold a current valid and unrestricted National Registry of Emergency Medical Technicians (NREMT) certification, as having the minimum training and examination requirements for Emergency Medical Technician (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 servicemembers' nonresident military spouses. Kansas professional licensing

bodies are required to grant professional licenses to nonresident military spouses and servicemembers 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—servicemembers and military spouses. A servicemember 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. Kansas Supreme Court Rule 712A grants applicants temporary admission to the Kansas Bar without a written examination if they are currently married to a military servicemember 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 eligible for 30 working days of military leave with pay for active duty within a 12-month period beginning October 1 and ending on September 30 the following year.

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.

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

Life insurance. 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.

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

Property tax—deferral. An active duty servicemember 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. For more information, see article L-1 Homestead Program, available at <http://www.kslegresearch.org/KLRD-web/Briefing-Book-2021.html>.

Motor vehicle tax. Active duty servicemembers 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 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 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. In addition, 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.

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>.

Decals. Several decals depicting medals or combat ribbons are available to display on certain veterans' license plates, and 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.

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.

Additional Benefits

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 at:

- <https://myarmybenefits.us.army.mil/Benefit-Library/State/Territory-Benefits/Kansas>.

The KBOR 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:

- <https://kcva.ks.gov/veteran-services/state-benefits>.

The Adjutant General's Department's Kansas Military Bill of Rights website lists benefits and services that Kansas provides to veterans and military personnel:

- <http://kansastag.gov/NGUARD.asp?PageID=346>.

Additional information, including statutory citations when appropriate, is available at:

- <http://www.kslegresearch.org/KLRD-web/VeteransMilitary&Security.html>.

For more information, please contact:

Natalie Nelson, Principal Research Analyst
Natalie.Nelson@klrd.ks.gov

Martin de Boer, Fiscal Analyst
Martin.deBoer@klrd.ks.gov

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O-3 Disaster Declarations

This article discusses the issuance of disaster declarations by both the state government of Kansas and by the federal government. For more information on emergency powers, see article H-7 Kansas Emergency Management Act, available at <http://www.kslegresearch.org/KLRD-web/Briefing-Book-2021.html>.

State Declarations

KSA 48-924 provides “the Governor shall be responsible for meeting the dangers to the state and people presented by disasters.” Furthermore, “the Governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.”

The justification for a proclamation is based on information provided in a local assessment to the Kansas Division of Emergency Management (KDEM) by local officials, as well as an apparent need to protect the lives and property of the citizens of the state. When the Governor issues a state disaster declaration, all state resources become available to assist local jurisdictions, and the Governor is provided with emergency powers necessary to deal with a disaster for a period of 15 days. An extension period of up to 30 days may be approved if needed. Limited direct assistance to local jurisdictions from area offices of state agencies may be available in the absence of a state disaster declaration.

Declarations expire 15 days from the date the Governor signs the proclamation, unless the Legislature ratifies an extension by concurrent resolution. KSA 48-924 also allows the Legislature to terminate a state disaster declaration by concurrent resolution. Since at least 1987, the period for which this information could be confirmed by KDEM, no state disaster declaration has been terminated by the Legislature.

According to records available from KDEM and the State Library of Kansas, 34 state of disaster emergency proclamations have been issued in Kansas since 1975. Aside from the two proclamations related to the COVID-19 pandemic and the Airosol Company, Inc., explosion that occurred in 2016, all proclamations have been issued pursuant to a natural event such as severe weather, tornado, flood, or fire.

Federal Declarations

Pursuant to the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §§ 5121-5207 §401, when a Governor believes state and local resources to be inadequate to respond to an emergency or disaster, the governor of a state (or tribal chief executive) may make a request for an emergency declaration, major disaster declaration, fire management assistance declaration, or any combination thereof, to receive assistance from the federal government. The President retains sole discretion over what declarations are made. Since 1955, presidential declarations have been issued for 79 disasters in Kansas.

Requesting a Declaration

When a state or tribal government believes a presidential disaster or emergency declaration may be necessary to assist in the recovery of an impacted area, the state or tribal government contacts the Federal Emergency Management Agency (FEMA) Regional Office to request a joint federal, state, or tribal Preliminary Damage Assessment (PDA). The PDA determines the extent of the disaster or emergency, its impact on individuals and public facilities, and the type of federal assistance that may be needed. This information is included in the request for a federal declaration to illustrate the magnitude and severity of the disaster or emergency.

Emergency Declarations

A federal emergency declaration, made to supplement state and local or tribal governments in providing emergency services or to lessen or avoid the threat of a catastrophe in any part of the United States, may not provide assistance in excess of \$5.0 million.

The request must be made by the governor or tribal chief executive within 30 days of the incident giving rise to the declaration and must be based upon a finding that the situation is beyond the capability of the entity making the request, and supplemental federal assistance is necessary to save lives and protect property, public health,

and safety, or to lessen or avert the threat of a disaster. In addition, the request must include the following:

- Confirmation the governor or tribal chief executive has taken appropriate action under state or tribal law and directed the execution of the state or tribal emergency plan;
- A description of the state, local, or tribal government efforts and resources utilized to alleviate the emergency;
- A description of other federal agency efforts and resources utilized in response to the emergency; and
- A description of the type and extent of additional federal assistance required.

When an emergency exists for which the primary responsibility rests with the federal government, the President may declare an emergency without a request from the governor or tribal chief executive.

Types of Assistance Available Under an Emergency Declaration

Public assistance includes assistance with debris removal and emergency protective measures for state, tribal, and local governments and certain private nonprofit organizations, on a 75 percent federal, 25 percent non-federal cost-sharing basis.

Individual assistance includes housing assistance not covered by insurance or provided by any other source in the form of a rental subsidy for temporary housing or direct temporary housing (100 percent federal share) and financial assistance for necessary expenses and serious needs (75 percent federal, 25 percent non-federal cost share) to individuals affected by an emergency. Authorization of this type of assistance is rare under an emergency declaration.

Major Disaster Declarations

The President can declare a major disaster for any natural event or, regardless of cause, any

fire, flood, or explosion, of which the President determines the damage is of such severity it is beyond the combined capabilities of state and local governments to respond.

Unlike emergency declarations, major disaster declarations do not have a limitation on federal funding. Once the President declares a major disaster, public assistance funding becomes available with 75 percent federal and 25 percent non-federal matching funding. The non-federal funding has historically been split with local governments providing 15 percent and the State providing the remainder (10 percent). Depending on the estimated cost of the disaster, population, and property valuation, the federal match may be raised to 90 percent and up to 100 percent.

The request must be made by the governor or tribal chief executive within 30 days of the incident giving rise to the declaration and must be based upon a finding that the situation is beyond the capability of the entity making the request and supplemental federal assistance is necessary. In addition, the request must include the following:

- Confirmation the governor or tribal chief executive has taken appropriate action under state or tribal law and directed the execution of the state or tribal emergency plan;
- An estimate of the amount and severity of damage to the public and private sector;
- A description of the state, local, or tribal government efforts and resources utilized to alleviate the disaster;
- Preliminary estimates of the type and amount of Stafford Act assistance needed; and
- Certification by the governor or tribal chief executive that the state, local, or tribal government will comply with all applicable cost sharing requirements.

Types of Assistance Available Under a Major Disaster Declaration

Public assistance includes assistance to state, tribal, or local governments and certain private

nonprofit organizations for emergency work and repair or replacement of damaged facilities, debris removal, and emergency protective measures.

Individual assistance includes housing and financial assistance, crisis counseling, case management, unemployment assistance, legal services, and Supplemental Nutrition Assistance Program (SNAP) benefits to individuals affected by a disaster.

Hazard mitigation assistance includes assistance to state, tribal, and local governments and certain private nonprofit organizations for actions taken to prevent or reduce long-term risk to life and property from natural hazards.

Additional factors are considered by FEMA while evaluating requests for major disaster declarations, including:

- Estimated cost of the assistance on a per capita basis;
- Localized impacts at the county, local, or tribal government levels in cases of concentrated damages when the per capita cost does not meet an appropriate threshold;
- Insurance coverage in effect or that should have been in effect as required by law and regulation at the time of the disaster;
- Extent to which mitigation measures contributed to the reduction of damages;
- Disaster history within the last 12-month period, including those declared by the governor or chief tribal executive and to what extent they have expended their own funds; and
- Other federal agency assistance programs when they more appropriately meet the needs created by the disaster.

Fire Management Assistance Declarations

A state, tribe, or locality may make a request for a fire management assistance declaration for the mitigation, management, and control of fires on

publicly or privately owned forests or grasslands if the potential fire destruction would constitute a major disaster. The federal Fire Management Assistance Grant Program, a part of the Stafford Act, provides a 75 percent federal cost share and the state, tribe, or locality pays the remaining 25 percent of the costs.

For more information on state, emergency, major disaster, and fire management assistance

declarations that have been issued in Kansas, see the tables attached to the “Emergency and Disaster Declarations in Kansas” memorandum (http://www.kslegislature.org/li/b2019_20/committees/ctte_spc_2020_ks_emerg_manage_act_1/documents/testimony/20200922_01.pdf)

submitted to the Special Committee on Kansas Emergency Management Act.

For more information, please contact:

Natalie Nelson, Principal Research Analyst
Natalie.Nelson@klrd.ks.gov

Jordan Milholland, Senior Research Analyst
Jordan.Milholland@klrd.ks.gov

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