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KANSAS STATUTORY RESOURCES AND BENEFITS FOR MILITARY PERSONNEL, VETERANS, AND MILITARY FAMILIES

This memorandum provides information on resources and benefits in Kansas statutes for military personnel, veterans, and military families. Some sections make reference to laws enacted in 2017 for which statutes are not yet available.

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BENEFITS COORDINATION

Kansas' Benefits Assistance Agency: Kansas Commission on Veterans' Affairs Office (KCVAO)

Since 1937, Kansas has provided assistance to veterans seeking to access federal benefits. The current KCVAO provides Kansas veterans, their relatives, and other eligible dependents with information, advice, direction, and assistance with education, health, vocation, and economic security. Additional examples of the programs and services provided by KCVAO are below:

- Coordinates services and programs to help veterans improve their quality of life;
- Provides veterans service representatives free of charge to help veterans and family members file claims for medical, educational, or other benefits. Four additional representatives were added in 2014 and two new district offices opened. Mobile offices also are used around the state;
- Ensures taxpayer dollars are used efficiently; and
- Provides health care and certain other direct benefits, noted below.

KCVAO was established by KSA 2016 Supp. 73-1208e *et seq.*

KanVet

The KanVet website (<http://kcva.ks.gov/kanvet/>) provides direct access to State of Kansas veteran-specific resources and benefits.

ANTI-DISCRIMINATION

Kansas law prohibits discrimination against a member of the military because of military status. The law also states a person may not: discriminate against a member of the military with respect to deployment or employment position or status; deny employment or disqualify for or discharge from employment because of membership or service in the military; or refuse entrance to or otherwise discriminate against any member of the military in any place of public accommodation. Alleged violations are civil matters (KSA 44-1125 *et seq.*, since 1993).

EDUCATION

Kansas provides educational benefits to servicemembers, family members, and military children, including the following:

- **In-state tuition.** Kansas community colleges and Board of Regents institutions consider military personnel, veterans, and military families residents of Kansas for educational fee purposes, without regard to the person's length of residency in Kansas. If the person is enrolled in one of those institutions, uses 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 (KSA 2016 Supp. 48-3601, since 2016), or meets other criteria (KSA 2016 Supp. 76-729, KAR 88-3-8a, KAR 88-3-12), the person is considered a resident for educational fee purposes.

- **Tuition reimbursement for the 2015-2016 school year.** Individuals who were enrolled in a Kansas postsecondary education institution in the 2015-2016 school year who did not receive resident tuition and fees due to their resident status being inadvertently eliminated by 2015 HB 2154 are eligible for reimbursement equal to the difference between any tuition and fee rates the person paid and the resident tuition and fee rates (KSA 2016 Supp. 48-3601).

- **Scholarships and tuition assistance.**
 - 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 have served after September 11, 2001 (KSA 2016 Supp. 74-32,227 *et seq.*);
 - The Kansas National Guard Educational Assistance Program provides a percentage of tuition and fees at Regents institutions, community colleges, technical colleges, and accredited independent institutions to certain enlisted personnel in the Kansas Air/Army National Guard (KSA 74-32,145 *et seq.*); and
 - Kansas offers free tuition and fees to dependents and unmarried widows and widowers of servicemembers who were 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 (KSA 2016 Supp. 75-4364 and 73-1218).

For more information: <http://www.kansasregents.org/students/military> .

- **Military Interstate Children's Compact Commission.** Kansas was the first state to sign the Interstate Compact on Educational Opportunities for Military Children (MIC3) in 2008, and the state participates in MIC3 Commission activities. This interstate agreement, which has been adopted by all 50 states, addresses educational transition issues military families face when relocating to new duty stations by providing solutions, such as instant records transfer and facilitation of student placement processes and participation in extracurricular activities. The points of contact for the Kansas Compact Commission are listed at <http://mic3.net> (KSA 2016 Supp. 72-60c01).

TAXES

- **Property tax.**
 - A deployed active duty service member, outside of the U.S. for at least six months, may defer payment of taxes on real property for up to two years (KSA 2016 Supp. 79-1612);
 - Certain disabled veterans and surviving spouses are eligible for the Kansas Homestead Property Tax Refund Program. The amount of the refund varies by income and property value (KSA 2016 Supp. 79-4502 *et seq.*);
 - Housing developments and related improvements located on U.S. Military installations and used exclusively or primarily by military personnel and their families are exempt from property taxation (KSA 2016 Supp. 79-201a); and
 - Privately-owned utility systems built on military installations pursuant to the Military Utilities Privatization Initiative are exempt from property tax (KSA 2016 Supp. 79-201a).
- **Income tax.**
 - Kansas does not tax veterans' retirement income (KSA 2016 Supp. 79-32,117 (c)(vii)); and
 - Kansas 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 (KSA 2016 Supp. 79-3221i), and the Kansas Hometown Heroes Fund, to be used solely for veterans services programs of the KCVAO (KSA 2016 Supp. 79-3221k).
- **Vehicle tax.** No vehicle taxes are levied on the first two vehicles of certain servicemembers:
 - Full-time members of the military service stationed in Kansas or full-time active Guard or Reserves; and
 - Active duty servicemembers who are out of the state on orders when the vehicle taxes are due when the servicemembers maintain the vehicle outside the state or the service member is deployed (KSA 2016 Supp. 79-5107).

EMPLOYMENT

- **Professional licenses.** Kansas encourages veterans and military spouses to use their training in Kansas by accepting education and licensing under certain circumstances:

- **Credit for military education and training.** State licensing bodies are to accept education, training, or service completed in the military that is equal to existing educational requirements if the applicant received an honorable discharge or a general discharge under honorable conditions. This does not extend to the practice of law* (KSA 2016 Supp. 48-3407, since 2013);
- **Extended probationary license period.** A Kansas licensing body must allow a service member or military spouse to 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 service member or military spouse meets certain criteria (KSA 2016 Supp. 48-3406, since 2015);
- **Expedited state licensure for servicemembers and spouses.** A Kansas licensing body must issue a professional license to a nonresident military spouse or to a veteran within 60 days after a complete application is received if the potential licensees meet certain requirements (KSA 2016 Supp. 48-3406, since 2015);
- **Maintaining a license while serving.** A Kansas license 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.) (KSA 48-3402, since 1991);
- **Recognition of emergency personnel.** In 2016, Kansas enacted SB 225, also known as the Interstate Compact for Recognition of Emergency Medical Personnel Licensure (Compact). Once ten states have enacted the Compact, Kansas will consider active and former services members, in addition to their spouses, who hold a current valid and unrestricted National Registry of Emergency Medical Technician (NREMT) certification at or above the level of state license being sought, as satisfying the minimum training and examination requirements for EMT licensure. Eleven out of the required ten states have enacted Compact legislation as of May 2017, activating the Compact.
- **Recognition of barbering certification.** Kansas 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 service, and completed a course of study in a licensed Kansas barber college or school (KSA 2016 Supp. 65-1812, as amended by 2016 HB 2456); and
- **No honorable discharge requirement.** Kansas permits licensing bodies to grant professional credentials to former servicemembers who meet all of the requirements for professional credentials but were separated from the military under less than honorable conditions as well as under honorable conditions (KSA 2016 Supp. 48-3406, since 2015).

* See Kansas Supreme Court [Rule 712A](#), granting applicants temporary restricted admission to the Kansas Bar without a written examination, under certain circumstances.

- **Commercial driver's licenses.** Kansas will waive the skills test for an applicant for a commercial driver's license if that applicant provides evidence of military driving experience that meets the requirements of 49 CFR 383.77. An applicant still is required to pass the Kansas knowledge test. The applicant must have military experience operating a vehicle similar to the commercial vehicle the applicant expects to operate and must not have been convicted of any offense that would disqualify a civilian commercial driver (KSA 2016 Supp. 8-2,133, since 2012).
- **Veterans' preference.** The Kansas veterans' preference applies to initial employment and first promotion with state government and with counties and cities in "civil service" positions. It applies to veterans who have been honorably discharged, spouses of veterans who have 100 percent service-connected disability, surviving spouses (who have not remarried) of veterans who were killed in action or died as a result of injuries while serving, or the spouses of prisoners of war. The hiring authority is required to take certain types of actions. (KSA 73-201 *et seq.*). More information on the veterans' preference and veterans' training opportunities is available from the Department of Administration <https://admin.ks.gov/services/state-employment-center/veterans>.
- **Private veterans' preference.** Kansas permits private employers to establish veterans' hiring preferences. 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 (KSA 2016 Supp. 73-231, since 2015).
- **Preference to disabled veteran businesses.** In awarding any contract for any job or service that uses appropriated moneys, the Secretary of Administration is to give a preference to disabled veteran businesses doing business in Kansas as firms, corporations, or individuals, or which maintain Kansas places of doing business, with a statutory goal of awarding at least 3 percent of all such contracts to disabled veteran businesses (KSA 2016 Supp. 73-230, since 2014).
- **Position reinstatement.** An employee of the state or of a local Kansas government is entitled to be reinstated when caused to be away from the position due to active duty orders from the reserve component of Kansas or another state (KSA 73-213 *et seq.*, since 1941).
- **State employee direct payment benefits.** Benefits-eligible state employees who serve in the military reserves and are called to full-time military duty and are mobilized and deployed are authorized to receive a one-time activation payment of \$1,500. They also are authorized to receive the difference between the employee's military base pay, plus most allowances, and their regular state wages, up to \$1,000 per pay period (KSA 2016 Supp. 75-3228, since 2008).
- **State service credit for pension purposes.** State pension participants away from their jobs for military service shall be granted up to five years of state service credit, and an absence for extended military service is not considered termination of employment unless the employee withdraws accumulated

contributions (KSA 74-4913). In addition, an employee may buy up to six years of service credit for military service (KSA 2016 Supp. 74-4919h). Judges away for military service may purchase up to six years of participating credit for periods of active service in the armed forces toward their retirement benefits (KSA 20-2625).

SENTENCING AND TREATMENT

- **Diversion agreements.** A prosecutor may consider combat service-related injuries when considering whether to enter into a diversion agreement with a veteran defendant. The injuries considered include major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury (KSA 2016 Supp. 12-4415 and 22-2908, since 2015).
- **Mitigating factors.** A judge 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 veteran defendant (KSA 2016 Supp. 21-6630 and 21-6815, since 2015).
- **Court-ordered treatment.**
 - **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 (KSA 2016 Supp. 12-4415 and 22-2908, since 2015);
 - **No honorable discharge requirement.** Under Kansas law, a veteran defendant is not required to have an honorable discharge to qualify for court-ordered treatment (KSA 2016 Supp. 21-6630, since 2015); and
 - **State treatment.** A veteran who meets the criteria for court-ordered substance abuse treatment is not eligible for treatment at a military treatment facility or veteran's treatment facility, and is eligible to participate in the 2003 SB 123 program of community supervision and drug treatment for offenders rather than confinement in correctional facilities, the veteran receives treatment in the 2003 SB 123 program (KSA 2016 Supp. 21-6630, since 2015).

DIRECT CARE

State Veterans Homes

For the State, the KCVAO provides housing and nursing care to veterans at the Kansas Veterans' Home in Winfield and the Kansas Soldiers' Home at Fort Dodge. Eligible veterans must have had active federal service and have been discharged under conditions other than dishonorable. Eligibility criteria for care include disability, inability to defray the expenses of

necessary care, or status as a former prisoner of war. The first priority for admission shall be given to veterans who have no adequate means of support. Within this group, priority shall be based on the severity of medical care required and the ability to acquire and afford care or residency in the community. Applicants need not have been actual residents of Kansas; however, Kansas residents will receive priority. Certain spouses also are eligible. The homes meet all federal and state standards. A continuum of services is available, as is memory care (<http://kcva.ks.gov/veteran-homes>).

Provider Availability

Kansas has approximately 130 provider locations available to provide services through Military OneSource. While services through the program are funded by the Department of Defense, Kansas does provide incentives for professionals to locate across the state, including in areas less accessible to Department of Defense or Department of Veterans' Affairs facilities. For example, Kansas offers the Medical Student Loan Act. Kansas law authorizes payment of tuition and a stipend for living expenses for medical students who work after graduation in any medically underserved areas, any Veterans' Administration (VA) medical center, the Kansas Soldiers' Home or the Kansas Veterans' Home. For each year's worth of the tuition and stipend forgiven, the doctor must practice full-time in an approved area for 12 months (KSA 76-380 *et seq.*).

LAND USE ADJACENT TO OR SURROUNDING MILITARY INSTALLATIONS

Protection of Critical Areas

The state has built on the Army Compatible Use Buffer (ACUB) agreement between Fort Riley and the Kansas Land Trust, beginning in 2006, to protect land uses that mutually benefit the installation and the landowners. To promote communication, cooperation, and collaboration between military installations and any municipality adjacent to or surrounding the installation, state law requires military installations to meet and coordinate, at least annually, with representatives of each municipality for the purpose of determining a "critical area": any ACUB, Joint Land Use Study (JLUS) area, Air Installation Compatible Use Zone (AICUZ), or Environmental Noise Management Plan (ENMP).

Each municipality adjacent to or surrounding a military installation is required to take actions including meeting with commanders, notifying commanders of any regulation or amendment to a planning document that affects a critical area at least 30 days before the adoption of such regulation or amendment, consider recommendations and studies provided by the military on topics including the maintenance of safe military operations and the sustainability of installation missions, and provide notice to individuals receiving construction permits within critical areas.

Additionally, municipalities are directed to consider certain factors based upon information provided by military installations before making a decision regarding a development proposal within a critical area. The factors needing consideration are the potential release of substances into the air impairing or interfering with military operations (substances released

through agricultural use are exempted); electrical emissions interfering with certain communications and equipment; the potential of projects to attract birds or waterfowl; structures interfering with aircraft activity; noise levels; the potential for obstructed visibility or surveillance in relation to certain activities; and whether there will be a violation of stated Federal Aviation Administration guidelines (KSA 2016 Supp. 12-772 *et seq.*, since 2010).

OTHER KANSAS BENEFITS FOR VETERANS AND MILITARY PERSONNEL

- **Driver's licenses.**
 - Applicants for Class M licenses who have completed prior motorcycle safety training in accordance with Department of Defense instruction are not required to complete further written and driving testing (KSA 2016 Supp. 8-240(a)(2));
 - A veteran who provides certain proof of that status may request the designation "VETERAN" be displayed on the front of that person's driver's license (KSA 2016 Supp. 8-243(e)); and
 - Active duty military personnel stationed in Kansas and their dependents who are residents of other states are not required to obtain a Kansas driver's license (KSA 2016 Supp. 8-234a(a)(2)).
- **Concealed carry licenses.** Kansas law permits concealed carry of a firearm without a concealed carry license issued by the state unless federal or state law prohibits the person from possessing a firearm. However, active duty military personnel and their dependents residing in Kansas may apply for concealed carry handgun licenses without Kansas driver's licenses or Kansas non-driver's identification cards. Upon completing all 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 (KSA 2016 Supp. 75-7c01 *et seq.*, since 2015).
 - Members stationed outside Kansas. Active duty military personnel can also apply for a concealed carry license while stationed outside of Kansas if they provide evidence of completion of a course offered in another jurisdiction which is determined by the Attorney General to have training requirements that are equal to or greater than those required in Kansas (KSA 2016 Supp. 75-7c05, since 2016).
- **Hunting and fishing licenses.** Hunting and fishing licenses are issued at no cost to veterans with 30 percent or more service-connected disability. Military members stationed in Kansas are treated as residents for issuance of hunting and fishing licenses. More information about these benefits is available from the Kansas Department of Wildlife, Parks and Tourism at:
 - <http://ksoutdoors.com/Hunting/Applications-and-Fees>; and
 - <http://ksoutdoors.com/Fishing/Fishing-Application-and-Fees>.
- **Insurance retention.**
 - **Retention during deployment.** No personal insurance issued to a Kansas resident on active military deployment outside of the U.S., or the spouse or any dependent of such Kansas resident, shall be subject to

cancellation, non-renewal, premium increase, or adverse tier placement for the term of the deployment based solely upon that Kansas resident's military deployment (KSA 48-296, since 2005); and

- **Reinstatement.** No Kansas resident activated for military service, spouse, or dependents who become eligible for a federal government sponsored health insurance program as a result of such activation may be denied reinstatement into the same individual coverage with the same health plan that such resident lapsed as a result of activation (KSA 48-296, since 2005).
- **License plates.** Kansas has distinctive license plates available for veterans and family members, most at no charge. Among the plates available are general active duty and veterans plates, plates for veterans with disabilities, and special plates to recognize Congressional Medal of Honor recipients, Families of the Fallen, and others. More information on the available license plates is available at <https://www.ksrevenue.org/dovplates.html>.
 - **Decals.** Those with any type of distinctive license plate for which a person is required to submit proof of military service may purchase decals indicating certain military honors. The decals indicate the person was a recipient of a Silver Star or Bronze Star Medal or of a Combat Medical Badge, Combat Infantry Badge, Navy/Marine Corps Combat Action Ribbon, Army Distinguished Service Cross, Navy Cross, Air Force Cross, Distinguished Flying Cross, Army of Occupation Medal, or Navy Occupation Service Medal . Proof must be submitted to the Director of Vehicles that such honors were awarded to the person requesting the decal (KSA 8-1,156, as amended by 2017 HB 2174).
- **Free parking privileges.** Kansas law permits veterans with disabled veterans license plates free parking privileges in spaces reserved for disabled persons in public parking facilities and parking lots that employ parking attendants (KSA 2016 Supp. 8-161, since 2015).
- **Custody and parenting considerations.** If either parent is a service member, a permanent parenting plan incorporated into a final order establishing matters regarding a child custody arrangement must include provisions for custody and parenting time upon military deployment, mobilization, temporary duty, or unaccompanied tour (KSA 2016 Supp. 23-3213, since 2008).
- **Recognition for Vietnam War era veterans.** 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 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 death (KSA 2016 Supp. 73-1238 *et seq.*).

- **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 (KSA 2016 Supp. 48-283).

- **Burial.**
 - **State veterans' cemeteries.** Veterans, regardless of their Kansas residency, may be buried in state veterans' cemeteries located in Fort Dodge, Fort Riley, WaKeeney, and Winfield, if they meet service requirements. Spouses, surviving spouses, and dependent children who meet certain requirements also are eligible for interment in these cemeteries. There is no fee unless an exception is needed for a grave-liner policy, and a person may pre-register for the service (KCVAO website <http://kcva.ks.gov/veteran-cemeteries/program-information>);
 - **Unclaimed remains of veterans.** Should a veteran's cremated remains be unclaimed, a funeral service is authorized to relinquish those remains to the KCVAO or to a national veterans cemetery for disposition in a tomb, mausoleum, crypt, or niche in a columbarium, or by burial (KSA 2016 Supp. 65-1732); and
 - **Military honors.** The Military Honors Funeral Fund shall be used for the purpose of providing military honors funerals. The Adjutant General may accept all gifts, grants, donations, and bequests to the fund (KSA 2016 Supp. 73-309, since 2014).

- **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).