



**Q-1  
Indigents' Defense  
Services**

**Q-2  
Kansas Open  
Meetings Act**

**Q-3  
Kansas Open Records  
Act**

**Q-4  
Legalization  
of Medical and  
Recreational  
Marijuana**

**Q-5  
State Employee  
Issues**

**Q-6  
Veterans and Military  
Personnel Benefits**

Natalie Teemer-  
Washington  
Research Analyst  
785-296-3181  
Natalie.Teemer-Washington@klrd.  
ks.gov

# Kansas Legislator Briefing Book 2016

## State Government

### Q-6 Veterans and Military Personnel Benefits

Most benefits for military personnel and veterans are offered by the federal government. However, through legislation, states 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, the state agency established to help veterans and military families access their benefits, and some of the benefits available to veterans and military families in Kansas along with resources for more detailed information.

#### 2015 Legislation

Kansas regularly passes legislation to address veterans' needs. Legislation passed in 2015 established additional benefits for veterans and military families and reorganized statutes to ensure continued access to benefits. 2015 HB 2154 established a permissive veterans' preference in private employment; established employment reinstatement protections for certain servicemembers; changed the residency requirement for in-state tuition for veterans and military family members using federal benefits to pay tuition; modified the statute relating to professional credentialing for military servicemembers and military spouses; and amended statutes related to diversions, court-ordered treatment, and sentencing with regard to military servicemembers and veterans. These changes along with information about other benefits for Kansas veterans, servicemembers, and military families are summarized under the various headings below.

#### 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 and to ensure taxpayer dollars are used efficiently and effectively and every veteran is served and receives necessary counseling and assistance. The VCAP, through its new 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 in Kansas and is living in Kansas, the person will be charged in-state tuition and fees regardless of length of residency.

**Scholarships.** Kansas offers scholarships to 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 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 service member was injured during such military service.

Kansas National Guard Educational Assistance 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 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.

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 servicemembers' children, National Guard and Reserve servicemembers on active duty orders, and servicemembers 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/pages/contact/Map/kansas.aspx>.

### Emergency Financial Assistance

The Adjutant General may enter into grants and interest-free loans with Kansas National Guard servicemembers, 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: <http://da.ks.gov/ps/aaa/recruitment/veterans/vetemployinfo.htm>.

**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 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 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 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. 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 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.

**Professional Licenses—Maintaining License While Serving.** A license issued by the State 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.

**Professional Licenses—Military Servicemembers' Non-resident 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 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 service member or military spouse meets certain criteria.

**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: <http://www.ksdot.org/Assets/wwwksdotorg/bureaus/burTransPlan/maps/SpecialInterestStateMaps/Memorial.pdf>.

### 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/winfield-home>; and
- <https://kcva.ks.gov/veteran-homes/fort-dodge-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 more combat service-related injuries when considering whether to enter into a diversion agreement with a defendant. The injuries considered now include major depressive disorder, polytrauma, post-traumatic stress disorder, and traumatic brain injury.

### *Sentencing Considerations*

Sentencing judges may consider more 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 more 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 voluntarily contribute to the Kansas Hometown Heroes Fund by checking a block on the individual income tax form. All moneys deposited in the Fund must be used solely for the veterans' services program 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.

**Vehicle Taxes.** Active duty servicemembers who are Kansas residents will not be required to pay vehicle taxes 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 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 the available license plates is available at: <http://www.ksrevenue.org/dmv-plates.html>.

### **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 service 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 service member 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 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 permit and licensing benefits are available to military personnel and veterans. More information about these benefits is available at: <http://kdwpt.state.ks.us/Hunting/Applications-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 non-driver'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.

**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.

**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: <http://www.va.gov/directory/guide/state.asp?State=KS&dnum=ALL>

The Kansas Department of Revenue's website includes information on military license plates offered in Kansas. The complete list of license plates can be found at: <http://www.ksrevenue.org/dmv-plates.html>.

The Retirement Living Information Center's website lists the sales tax, personal income tax, property taxes, and inheritance and estate taxes for Kansas. It also lists the types of military and veterans income that are exempt from Kansas income tax and federal income tax: <http://www.retirementliving.com/taxes-kansas-new-mexico#KANSAS>.

The Kansas State Employment Center's website includes certain information solely dedicated to veterans' employment. There is an overview of veterans' preference, veterans training opportunities, and job application and interview assistance: <http://da.ks.gov/ps/aaa/recruitment/veterans/vetemployinfo.htm>.

The United States 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: <http://www.webapps.dol.gov/elaws/vets/realifelines/stateinfo.htm?state=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: <http://kansastag.gov/NGUARD.asp?PageID=346>.

For more information, please contact:

Natalie Teemer-Washington, Research Analyst  
[Natalie.Teemer-Washington@klrd.ks.gov](mailto:Natalie.Teemer-Washington@klrd.ks.gov)

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

Jill Shelley, Principal Research Analyst  
[Jill.Shelley@klrd.ks.gov](mailto:Jill.Shelley@klrd.ks.gov)

Cindy Lash, Principal Research Analyst  
[Cindy.Lash@klrd.ks.gov](mailto:Cindy.Lash@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