

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2760**

As Agreed to April 3, 2024

**Brief\***

HB 2760 would abolish the Kansas Commission on Veterans Affairs Office (KCVAO), create the Kansas Office of Veterans Services (KOVVS), and make other changes relating to the transfer of powers, duties, and functions of KCVAO to KOVVS; update and clarify certain military definitions; amend law concerning documents required to establish a service-connected disability; amend law concerning federal disability determinations; and establish common definitions of “veteran” and “disabled veteran” in various statutes and clarify service-connected disability evaluations. The bill would also update the Veterans Claims Assistance Program (VCAP) to include references to the federal Department of Veterans Affairs medical centers and cross accreditation requirements.

***Transfer of Powers, Duties, and Functions from the KCVAO to the KOVVS***

The bill would abolish the KCVAO and the Office of the Director of the KCVAO. All powers, duties, and functions of the agency and the KCVAO Director would be transferred to the KOVVS and the KOVVS Director. The bill would rename the KCVAO as the KOVVS. The bill would deem references to KCVAO in statutes, contracts, or other documents as applicable to the KOVVS.

The bill would establish the KOVVS within the Executive Branch of government. Under the bill, only a veteran who is appointed by the Governor and confirmed by the Senate would be permitted to serve as the KOVVS Director. Under the bill, the KOVVS Director would serve in the unclassified service at the pleasure of the Governor and receive an annual salary fixed by the Governor.

The KOVVS Director would supervise the administration of all budgeting, purchasing, and related management functions of the agency.

The bill would confer the current responsibilities of the KCVAO to the KOVVS. Under current law, the KCVAO is responsible for providing information and advice on available veterans programs and services to veterans, their relatives, and their dependents. The programs and services coordinated by the agency include those in the fields of education, health, mental care, economic security, and vocational guidance. The agency is also responsible for operating the Kansas Soldiers’ Home and the Kansas Veterans’ Home.

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The bill would make technical amendments to ensure consistency in statutory phrasing. The bill would also replace references in continuing law to the KCVAO with references to the KOVS. Finally, the bill would repeal statutes regarding the establishment of the KCVAO and its duties.

### ***Veterans Claims Assistance Program Service Grant Requirements***

The bill would replace references to the obsolete federal Veterans Administration with references to the federal Department of Veterans Affairs (VA). This would mean that in order to be eligible to participate in the annual VCAP service grant, veterans service organizations (VSOs) would be required to have a presence at the federal VA regional office or medical center in Wichita, as well as each VA medical center operating in Topeka and Leavenworth.

The bill would specify that the training for veterans claims assistance representatives (VCAR) would be conducted by qualified trainers, rather than qualified VCAR. An individual who wishes to be an accredited VCAR would be required to provide proof to the KCVAO that such individual successfully completed the VA Office Training, Responsibility, Involvement, and Preparation of Claims course.

[*Note:* Under current law, the VCAP requires the KCVAO to administer annual service grants to eligible VSOs. The service grants are used to train veterans who wish to become accredited VCARs. Accredited VCARs are statutorily able to assist other veterans and their dependents in filing claims with the federal government for earned benefits.]

### ***Updates to Definitions***

The bill would update and clarify certain military definitions, as follows.

#### ***Active Service***

The bill would update the term “military service” to “active service.” The term would be made applicable to service members from the Space Force, as well as service members from any component of the military reserves and the National Guard of several states and territories, Puerto Rico, and the District of Columbia. Active service would also include members of the Army, Navy, Marine Corps, Air Force, and Coast Guard.

#### ***Armed Forces***

The bill would define a member of the Armed Forces to mean a person performing active service in the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, or any U.S. Military Reserve component.

## *Veteran*

The bill would update the term “veteran” to mean a person who served in the active military, naval, air, or space service and who was discharged or released under conditions other than dishonorable.

## *Technical Amendments*

The bill would make technical amendments to various statutes to modernize language and ensure consistency in statutory phrasing. The bill would also replace the term “branch” with “component” when referencing the U.S. Military Reserve.

## ***Service-connected Disability Documentation***

The bill would limit the type of documents an agency may require for purposes of determining a veteran’s eligibility for benefits derived from a service-connected disability.

## *Definitions*

The bill would define the following terms:

- “Service-connected disability” would mean a disability, or death if such death resulted from the disability, incurred or aggravated in the line of active duty; and
- “Veteran” would mean a person who served in the active military, naval, air, or space service who was discharged under conditions other than dishonorable.

## *Enumerated Documentation*

The bill would allow state agencies and municipalities to request the following documents from a Kansas veteran in order to determine the veteran’s eligibility for benefits derived from a service-connected disability:

- A United States passport;
- An unexpired Real ID state driver’s license;
- A Veteran Health Identification Card issued by the U.S. Department of Veterans Affairs (VA);
- A Veteran Identification Card issued by the VA;
- A Common Access Card issued by the U.S. Department of Defense (DoD); or
- Any authorized DoD identity card.

The bill would prohibit state agencies and municipalities from requesting or demanding a veteran provide any document not enumerated in the bill for purposes of determining such

veteran's eligibility for benefits. Similarly, agencies and municipalities would also be prohibited from improvising an authentication procedure to determine a Kansas veteran's eligibility for benefits derived from a service-connected disability.

### ***Federal Disability Determinations***

The bill would require the federal determinations concerning service-connected disability or death to be probative.

### ***Definitions***

The bill would define the following terms:

- "Service-connected disability" would mean a disability incurred or aggravated in the line of duty in the active military, naval, air, or space service or death resulting from such disability; and
- "Veteran" would mean a person who served in the active military, naval, air, or space service and was discharged under conditions other than dishonorable.

### ***Federal Disability Determination Reconsiderations***

The bill would prohibit state agencies and municipalities from reconsidering disability determinations made by the following federal officials:

- Secretary of the Army;
- Secretary of the Navy, when concerning the Navy and Marine Corps;
- Secretary of the Air Force, when concerning the Air Force or Space Force;
- Secretary of Homeland Security, when concerning the Coast Guard;
- Secretary of Health and Human Services, when concerning the Public Health Service;
- Secretary of Commerce, when concerning the National Oceanic and Atmospheric Administration; and
- Secretary of Veterans Affairs.

### ***Prohibited Requests or Demands***

The bill would prohibit state agencies and municipalities from requesting or demanding that a veteran:

- Submit private health information for the purpose of determining eligibility for disability benefits; or
- Voluntarily seek re-evaluation of existing service-connected disability claims.

#### *Documentation for Verification*

The bill would authorize requesting a veteran or their surviving family member provide certain records documenting the veteran's service-connected status.

#### *Disclosure of Disability*

The bill would require a veteran or their family member to disclose the veteran's disability rating under certain conditions.

#### ***Establishing Common Definitions of "Veteran" and "Disabled Veteran" and Clarifying Service-connected Disability Evaluations***

The bill would establish common definitions of "veteran" and "disabled veteran" for purposes of determining eligibility for state veteran benefits. The bill would also clarify the disability evaluation percentages required for certain benefits available to disabled veterans.

#### *Definitions*

The bill would modify the definitions of "veteran" and "disabled veteran" to clarify, among other things, the discharge status (or characterization of service) a member of the Armed Forces must receive to be eligible for benefits specific to Kansas veterans. [Note: The terms "veteran" and "disabled veteran" are defined in a variety of ways in current law.]

The bill would modify definitions in current law, as follows:

- "Veteran" would mean a person who served in the active military, naval, air, or space service and who, upon release from military service, received an honorable discharge or a general discharge under honorable conditions; [Note: This definition differs from other veteran definitions in the bill and applies to specific benefits.]
- "Disabled veteran" would mean the same as "veteran," with the additional requirement that such person incurred or aggravated a disability in the line of active duty and has a service-connected disability evaluation percentage pursuant to 38 USC § 1101 *et seq.* or 10 USC § 1201 *et seq.*; and
- "Member of the armed forces" would mean a person performing active service in the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, or any component of the military reserves of the United States.

Under the bill, only individuals who received an honorable discharge or a general discharge under honorable conditions would be considered a veteran for purposes of Kansas-

specific benefits. [Note: A discharge from the Armed Forces is assigned a characterization of service generally categorized as administrative or punitive. Per Army Regulation 135-178, an honorable service characterization and a general (under honorable conditions) service characterization are two of three distinct types of administrative discharges.]

### *Benefits for Kansas Veterans*

The bill would incorporate the modified definitions of “veteran” and “disabled veteran” into statutes concerning Kansas-specific benefits for veterans.

### *Benefits for Veterans*

Under the bill, a person who meets the definition of “veteran” would be eligible for the following existing benefits:

- A driver’s license with a “veteran” designation, contingent on such person providing a DD form 214 (Certificate of Release or Discharge from Active Duty), NGB form 22 (Report of Separation and Record of Service), or equivalent discharge document showing character of service as honorable or general under honorable conditions;
- A non-driver identification card with a “veteran” designation, contingent on such person providing a DD form 214 (Certificate of Release or Discharge from Active Duty), NGB form 22 (Report of Separation and Record of Service), or equivalent discharge document showing character of service as honorable or general under honorable conditions;
- In-state tuition and fees at an institution of higher education in Kansas, provided that such person meets other specified criteria under current law;
- Enhanced protection under the Kansas Consumer Protection Act;
- Preference in governmental employment and promotion;
- Participation in the Persian Gulf War Veterans Health Initiative; and
- Vietnam War Era medallion, medal, and certificate.

### *Benefits for Disabled Veterans*

Under the bill, a person who meets the definition of “disabled veteran” would be eligible for the following existing benefits:

- A free license plate, provided that such person has a service-connected evaluation of 50.0 percent or more;
- A permanent license to hunt and fish in Kansas, provided that such person has a service-connected evaluation of 30.0 percent or more;

- Preference in governmental employment and promotion, provided that such person has a service-connected evaluation percentage pursuant to 38 USC § 1101 *et seq.* or 10 USC § 1201 *et seq.*;
- Preference in contracts for any job or service for which moneys appropriated are to be expended, provided that such person has a service-connected evaluation of 10.0 percent or more;
- Preference in certain bids for contracts and purchases, provided that such person has a service-connected evaluation of 10.0 percent or more; and
- Property tax refund pursuant to the Homestead Property Tax Refund Act, provided that such person has a service-connected evaluation of 50.0 percent.

*Technical Amendments*

The bill would make technical amendments to various statutes.

**Conference Committee Action**

The Conference Committee agreed to the provisions of HB 2760, as amended by the Senate Committee on Ways and Means, and further agreed to add the contents of:

- HB 2829, as passed by the House, regarding an update the term “military service” and would add the term “Space Force” to the definition of Armed Forces;
- HB 2830, as passed by the House, regarding the limit of the type of documents an agency may require for purposes of determining a veteran’s eligibility for benefits derived from a service-connected disability;
- HB 2831, as passed by the House, requiring the federal determinations concerning service-connected disability or death to be probative; and

HB 2833, as passed by the House, regarding establishing common definitions of “veteran” and “disabled veteran” for purposes of determining eligibility for state veteran benefits. The bill would also clarify the disability evaluation percentages required for certain benefits available to disabled veterans.

**Background**

The Conference Committee agreed to the contents of HB 2760, as amended by the Senate Committee on Ways and Means, and agreed to add the contents of HB 2829, HB 2830, and HB 2831 as introduced, and HB 2833, as amended by the House Committee of the Whole. The backgrounds for these bills follow.

### ***HB 2760 (Transfer of Powers, Duties, and Functions from the KCVAO to the KOVS)***

HB 2760 was introduced by the House Committee on Veterans and Military at the request of a representative of the Kansas Commission on Veterans Affairs Office (KCVAO).

#### *House Committee on Veterans and Military*

In the House Committee hearing, Representative Hill and a representative of the KCVAO provided **proponent** testimony. The proponent testimony generally stated the bill would change the name of the agency from KCVAO to be KOVS which would better reflect the agency's purpose and increase brand awareness among veterans. No other testimony was provided.

#### *Senate Committee on Ways and Means*

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the KCVAO. The proponent stated the bill will alleviate confusion amongst members of the public who mistakenly believe that the KCVAO is part of the federal VA. The proponent further testified that changing the name of the agency would allow the agency's mission to serve veterans to be more well known. No other testimony was provided.

The Senate Committee amended the bill to add the provisions of HB 2623, a bill to update the Veterans Claims Assistance Program. [*Note:* The Conference Committee retained this amendment.]

### ***HB 2829 (Updating Certain Military Definitions)***

The bill was introduced by the House Committee on Taxation at the request of Representative Ellis. [*Note:* The bill is identical to the provisions of HB 2758, which was recommended by the House Committee of Veterans and Military, but was stricken from the House Calendar by Rule 1507.]

#### *House Committee on Veterans and Military*

In the House Committee hearing, Representative Goddard and a representative of the Military Officers Association of America provided **proponent** testimony. The proponents noted the bill would recognize the recently established Space Force as part of the U.S. Armed Forces and provide consistency with federal code concerning benefits for service members and veterans. Written-only proponent testimony was provided by a representative of the U.S. Department of Defense, State Liaison Office. No other testimony was provided.

### ***HB 2830 (Service-connected Disabled Veteran Documentation)***

The bill was introduced by the House Committee on Taxation at the request of Representative Ellis. [*Note:* The bill is identical to the provisions of HB 2625, which was stricken from the House Calendar by Rule 150.]



*House Committee on Veterans and Military*

In the House Committee hearing, Representative Thompson and a representative of the Military Officers Association of America provided **proponent** testimony. The proponents generally stated the bill would codify the proper documents required to establish a veteran's identity and reduce the administrative burden to service-connected disabled veterans and their family members. No other testimony was provided.

***HB 2831 (Federal Disability Determinations)***

The bill was introduced by the House Committee on Taxation at the request of Representative Ellis. [Note: The bill is identical to the provisions of HB 2624, which was stricken from the House Calendar by Rule 1507.]

*House Committee on Veterans and Military*

In the House Committee hearing, **proponent** testimony was provided by Representative Collins, who noted the bill would make federal disability determinations by the service secretary final, when proof of such federal determination is provided, and would avoid subjecting veterans to disability reconsideration by state and local agencies. Written-only proponent testimony was provided by a representative of the Military Officers Association of America. No other testimony was provided.

***HB 2833 (Establishing Common Definitions of "Veteran" and "Disabled Veteran" and Clarifying Service-connected Disability Evaluations)***

*House Committee on Veterans and Military*

In the House Committee hearing, Representative Johnson and a representative of the Military Officers Association of America provided **proponent** testimony. The proponents generally stated the bill would conform Kansas statutes to federal code when defining "veteran" and "disabled veteran." No other testimony was provided.

On March 21, 2024, the bill was referred from the House Committee of the Whole to the House Committee on Veterans and Military.

The House Committee on Veterans and Military subsequently amended the bill to:

- Remove the discharge status "other than dishonorable" from the definitions of "veteran" and "disabled veteran"; and [Note: The Conference Committee retained this amendment.]
- Add the discharge statuses "honorable" into the definitions of "veteran" and "disabled veteran." [Note: The Conference Committee retained this amendment.]

## *House Committee of the Whole*

The House Committee of the Whole amended the bill to include the service characterization of “general discharge under honorable conditions” to the definition of “veteran” and “disabled veteran.” [Note: The Conference Committee retained this amendment.]

### **Fiscal Information**

#### ***HB 2760 (Transfer of Powers, Duties, and Functions from the KCVAO to the KOVS)***

According to the fiscal note prepared by the Division of the Budget on HB 2760, the KCVAO states that enactment of the bill would require \$18,000, all from the State General Fund (SGF) for office and cemetery signage. The agency stated the moneys would consist of SGF dollars for FY 2025 and for FY 2026 from the agency’s Kansas Cemeteries Program and Veteran Services Program and that no additional appropriations would be needed.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor’s Budget Report*.

#### ***HB 2829 (Updating Certain Military Definitions)***

According to the fiscal note prepared by the Division of the Budget on HB 2829, as introduced, the KCVAO states that enactment of the bill would have no fiscal effect the agency. Enactment of the bill would have no fiscal effect on the State Board of Healing Arts, Emergency Medical Services Board, or the Kansas Department of Labor. The Board of Nursing indicates revisions in licensing software may be necessary, but the fiscal effect could likely be handled with existing resources. Any fiscal effect associated with enactment of HB 2829 is not reflected in *The FY 2025 Governor’s Budget Report*.

#### ***HB 2830 (Service-connected Disabled Veteran Documentation)***

According to the fiscal note prepared by the Division of the Budget on HB 2830, the KCVAO and Kansas Department for Aging and Disability Services state that enactment of the bill would have no fiscal effect.

#### ***HB 2831 (Federal Disability Determinations)***

According to the fiscal note prepared by the Division of the Budget on HB 2831, the Kansas Commission on Veterans Affairs Office and the Kansas Department for Aging and Disability Services state enactment of the bill would have no fiscal effect on either agency.

#### ***HB 2833 (Establishing Common Definitions of “Veteran” and “Disabled Veteran” and Clarifying Service-connected Disability Evaluations)***

According to the fiscal note prepared by the Division of the Budget on HB 2833, as introduced, the KCVAO and Kansas Department of Revenue state that enactment of the bill would have no fiscal effect on either agency.

Kansas commission on veterans affairs office; Kansas office of veterans services; veterans and military; veterans affairs; veterans services; veterans benefits; disabled veterans; service-connected disability; disability determination; service characterization

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