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*Testimony*

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**Deputy Director, Veteran Services**

**Joint Committee on Kansas Security**

Chairman Rep. Mario Goico

November 5, 2015

**RE: Eligibility for military-related benefits.**

I would like to thank the Committee for allowing us to speak on the topic of proof of military-related benefits. It is my understanding that you have been given a copies of the forms the VA requires prior to approving a claim for benefits so I will not go into that. However, I would like to take a moment to explain how claims are processed by the Kansas Commission on Veterans Affairs Office and our VCAP partners. All KCVAO veteran service representatives are accredited by the USDVA and all are trained annually to ensure we provide only the best service to veterans and dependents. VA accreditation is for the sole purpose of providing representation services to claimants before VA. VA accreditation may not be used for marketing financial products or promoting a financial services business. By law, an individual must be accredited by VA as an agent, attorney, or **representative of a VA-recognized veterans service organization** to assist in the preparation, presentation, and prosecution of a claim for VA benefits. 38 U.S.C. §§ 5901-5902, 5904; 38 C.F.R. § 14.629.

Veteran Service Representatives (VSR's) assist veterans and their family members to receive services provided by the Department of Veterans Affairs (VA) and other government agencies. While a Veteran Service Representative provides outreach about program services to people in general, their focus is specifically related to veterans with disabilities and their family members.

The work performed by VSR's is both complex and exacting because of the many state and federal laws that are involved, as well as the regulations that need to be followed. The laws cover numerous and varied

veterans' benefits to include: Pension, Insurance, Education, Compensation, Hospitalization, Death benefits, along with an array of State benefits. The KCVAO VSR's provide veterans with a number of different services including:

- Help with completing required forms
- Assisting veterans to prepare responses
- Assisting veterans to re-open claims for service-connected disabilities
- Reviewing statements of the case from the VA regarding claim denials
- Following-up on the status of claims veterans have filed with their Regional VA Office
- Helping veterans who are filing original claims for compensation or pension with the VA
- Answering and researching phone inquiries about medical, death/burial, or other benefits
- Offering research assistance and advice to veterans who want to handle their own claims
- Helping veterans and spouses to prepare appeals for claim denials and to file the appeals
- Filing Notice of Disagreements with a VA Regional Office if a veteran believes a VA decision is incorrect
- VSRs are often called upon to review military and medical records and to provide guidance
- Before state and SSI benefits are provided individuals are referred to KCVAO for VA benefit determination.

While not a complete list of their duties this gives you an idea of the complexity of the work involved. These VSR's work to make sure that all of the information is both factual and true to the best of their knowledge. As anyone who has encountered government rules, regulations, and laws is aware - the tangle can grow thick. The United States of America has been involved in a great many military conflicts, wars, and other military actions over time. Veterans from these military conflicts, wars, and other military actions create an environment where the work of VSR's is increasingly complex. VSR's make extensive efforts, to the best of their ability, to maintain a working knowledge of all the rules and regulations concerning veterans benefits, striving to keep their knowledge up-to-date. The process of learning for KCVAO VSR's is constant because of the continually-changing laws and regulations related to veterans and their family members.

It may help this committee to have a step by step guide on how an accredited VSR handles a claim. This will help you to understand how difficult it would be to falsify a claim through the VA. While this is a simplistic explanation I will be happy to go into as much detail as you require.

1. First when a veteran comes in and asks to file for benefits certain documents are required to start a claim.
  - a. An original DD-214. If the veteran does not have one we obtain it for them. If the veteran gave Kansas as his home of record an original is either at the KCVAO or the KNG. If we do not have it we complete and form (SF-180) to request a certified copy from the National Archives or we down load a copy directly from the DOD website (DPRIS).
    - i. Only certified copies are acceptable to the VA and only those individuals approved by the VA can certify copies.
    - ii. To obtain VA health benefits a person must have served in the active military service and have been discharged or released under conditions other than dishonorable this is the VHAs definition of a veteran. Reserves or National Guard members with active duty for training purposes only do not meet the basic eligibility requirement.
  - b. Once it is established that the individual is a veteran and is eligible for benefits. We review their military records to verify an issue occurred or was worsened by their military service.
  - c. We then assist the veteran in finding the Nexus between the veterans current condition and the in service incident.
  - d. We assist them in completing all paperwork,
  - e. We also guide them in obtaining needed medical records to support the claim.

We feel confident that claims we submit are well grounded claims for benefits the veteran has earned. Every claim that is submitted to the VA must meet certain criteria to even be considered. If the veteran does not meet those guidelines the claim is denied.

### **Non –Service Connected pension and Aid and Attendance.**

Having said this there is one issue and one group we have concerns about. This is a group that promotes “A Little Known Veteran Benefit that Provides Tax-Free Pension.” The VA terms this “The Third-Party Annuity Scam” this is when Veterans and their families are a target by advisers who are claiming to offer free help with paperwork for pension claims. The scheme involves attorneys, financial planners, and insurance agents trying to persuade veterans over 65 to make decisions about their pensions without giving them the whole truth about the long-term consequences. There is nothing inherently wrong with

**transferring assets to a trust or purchasing an annuity but if done improperly, the consequences can be disastrous.** This is where the problems lies. If a veteran has too much money and property to qualify for Aid and Attendance, that property can be transferred in order to help the veteran meets the asset limits of the program. Unlike Medicaid the VA currently has no lookback so, as soon as the transfers are complete, the veteran can apply for Aid and Attendance. But Medicaid is completely different because Medicaid penalizes people for moving funds around prior to seeking coverage, by denying Medicaid coverage for a period of months or years. Many companies that sell annuities and insurance policies are aware that elderly wartime veterans may be eligible for Aid and Attendance if they transfer funds or create irrevocable trusts and are doing a great deal of marketing towards veterans. **These companies claim that all veterans are eligible for Aid and Attendance (not true) and promise that their financial product will guarantee a veteran will meet the asset limits for Aid and Attendance (not true).** They use scare tactics to convince veterans that if they don't buy the proposed annuity or insurance policy they will face financial ruin. In effect the veteran must relinquish ownership and all claims of any kind to their assets and must become dependent on both the federal VA and the state for their support once they relinquish control they cannot undo it without creating a liability to pay back the Aid and Attendance and pension benefits received. No financial planner worth their salt should ever speak to an elderly veteran about how to qualify for Aid and Attendance without also cautioning the veteran on how critical it is to make sure that any financial transfers made will not end up making the veteran ineligible financially for Medicaid.

## **Pension Eligibility Requirements**

Pension benefits are needs-based and your "countable" family income must fall below the yearly limit set by law. Veterans must have at least 90 days of active duty, including one day during a wartime period. If the active duty occurred after September 7, 1980, you must have served at least 24 months or the full period that you were called up (with some exceptions). You must also be:

- Age 65 or older with limited or no income, OR
- Totally and permanently disabled, OR
- A patient in a nursing home receiving skilled nursing care, OR
- Receiving Social Security Disability Insurance, OR
- Receiving Supplemental Security Income

The Veteran must have met the service requirements above for surviving spouses and children applying for the Survivors Pension.

## **Aid & Attendance and Housebound**

Veterans and survivors who are eligible for a VA pension and require the aid and attendance of another person, or are housebound, may be eligible for additional monetary payment. These benefits are paid in addition to monthly pension, and they are not paid without eligibility to Pension.

Since Aid and Attendance and Housebound allowances increase the pension amount, people who are not eligible for a basic pension due to excessive income may be eligible for pension at these increased rates. A Veteran or surviving spouse may not receive Aid and Attendance benefits and Housebound benefits at the same time.

## **Aid & Attendance (A&A)**

The Aid & Attendance (A&A) increased monthly pension amount may be added to your monthly pension amount if you meet one of the following conditions:

- You require the aid of another person in order to perform personal functions required in everyday living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting yourself from the hazards of your daily environment
- You are bedridden, in that your disability or disabilities requires that you remain in bed apart from any prescribed course of convalescence or treatment
- You are a patient in a nursing home due to mental or physical incapacity

- Your eyesight is limited to a corrected 5/200 visual acuity or less in both eyes; or concentric contraction of the visual field to 5 degrees or less

### **Housebound**

This increased monthly pension amount may be added to your monthly pension amount when you are substantially confined to your immediate premises because of permanent disability.

**Maximum Annual Pension Rate  
(MAPR) Category**

**Amount**

**If you are a veteran...**

**Your yearly income must be less than...**

Without Spouse or Child

\$12,868

*To be deducted, medical expenses must exceed  
5% of MAPR, or, \$ 643*

With One Dependent

\$16,851

*To be deducted, medical expenses must exceed  
5% of MAPR, or, \$ 842*

Housebound Without Dependents

\$15,725

Housebound With One Dependent

\$19,710

A&A Without Dependents

\$21,466

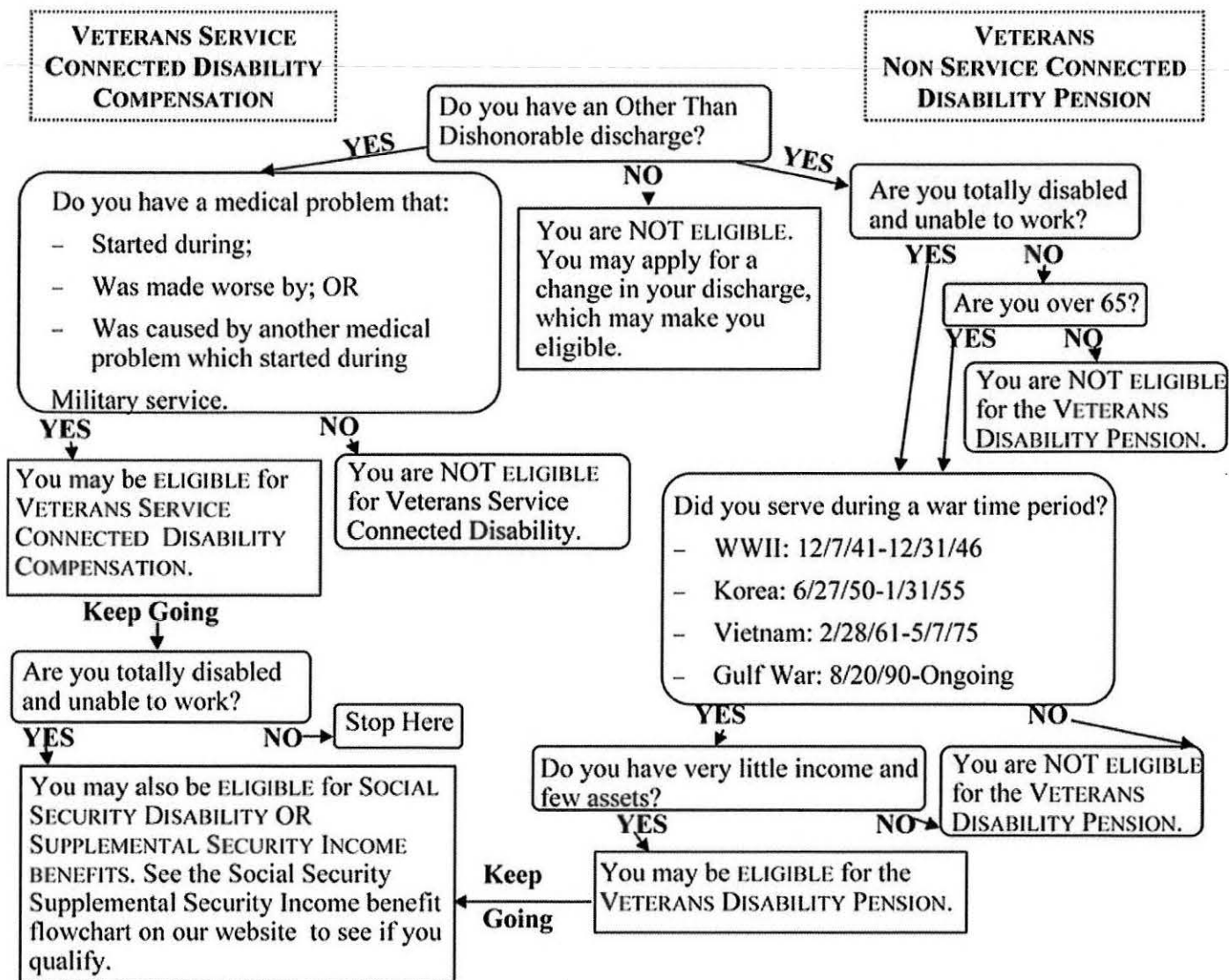
A&A With One Dependent

\$25,448

Two Vets Married to Each Other

\$16,851

# Do You Qualify for Benefits?





## Code of Conduct for KCVAO/VCAP Representatives

1. Do not knowingly present a fraudulent claim or submit false information in connection with a claim before any government agency.
2. Do not engage in any unlawful, unprofessional or unethical practice such as deceiving or misleading a client.
3. Confidential information, whether supplied by the veteran, the Department of Veterans Affairs, or other parties shall remain confidential and will not be released or discussed except to those personally connected to the case with a need to know in order to assist the veteran or the veteran's dependents.
4. The Service Officer will prepare and perfect all claims to the best of his/her ability with the intent of affording the claimant the benefits to which they are entitled. The Service Officer must insure that all information is true and factual to the best of his/her knowledge.
5. The Service Officer shall maintain high professional standards in dealing with other service officers, (federal, state, and local) and other persons and agencies as necessary in service to his/her client.
6. The Service Officer will provide services without prejudice to all persons making a claim to the Department of Veterans Affairs.
7. The Service Officer will, to the best of his/her ability, maintain a working knowledge of all rules and regulations concerning veterans' benefits and will strive to keep such knowledge updated in light of constantly changing laws and regulations.
8. Veterans Service Officers should not, under any circumstances, accept remuneration in cash or other form for services rendered.
9. Veterans Service Officers should not, under any circumstances, serve as guardians, committees, or fiduciaries for any other individuals receiving benefits from the Department of Veterans Affairs or any other agency.

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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 2015 for which statutes are not yet available.

### SUMMARY OF CONTENTS

#### **Benefits Coordination.....3**

Through the Kansas Commission on Veterans Affairs Office and KanVet, Kansas provides information to veterans about federal and state benefits, helps veterans access benefits, and provides certain direct benefits.

#### **Anti-Discrimination.....3**

Kansas' anti-discrimination law prohibits discrimination against a person on the basis of the person's service in the military.

#### **Education.....3**

Kansas education benefits to military personnel, veterans, and military families include in-state tuition and fees as well as scholarships and tuition assistance. Kansas also participates in the Military Interstate Children's Compact Commission.

#### **Taxes .....4**

Kansas provides deferrals and exemptions from payment of property tax, income tax, and vehicle tax for qualifying veterans, military personnel, military spouses, and military installations. Kansas also allows Kansas taxpayers to donate tax refunds or additional money to help veterans or military families.

#### **Employment.....5**

Kansas requires certain professional licensing bodies to accommodate military personnel, veterans, and military spouses who hold professional licenses in other states or have the requisite military training. State law also provides preference to veterans in state employment, provides preference to veterans' businesses in state contracts, and permits private employers to establish veterans' preference. Kansas also has several benefits

available for state of Kansas employees who are called away from their jobs for military service.

**Sentencing and Treatment.....7**

Kansas law permits prosecutors and judges to consider a service member’s combat service-related injuries when deciding upon a diversion or sentencing or treatment options. Kansas also permits court-ordered treatment without regard to a veteran’s character of discharge. Kansas law requires state court-ordered treatment for qualifying veterans who cannot receive treatment at a military treatment facility or veterans’ treatment facility.

**Direct Care.....8**

Kansas has two veterans’ homes which provide housing and care to eligible Kansas veterans. State law provides incentives for professionals to provide services in areas less accessible to the Department of Defense or Department of Veterans Affairs facilities.

**Land Use Adjacent to or Surrounding Military Installations.....8**

Kansas supports land agreements between military installations and municipalities by requiring annual meetings between municipalities and military installations.

**Other Kansas Benefits for Veterans and Military Personnel.....9**

Kansas law provides several other benefits for qualifying military personnel, veterans, and military families including driver’s license and recreational license distinctions and discounts, insurance considerations, distinctive license plates, parking privileges, custody and parenting considerations, and death and burial benefits.

## 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 (KSA 2014 Supp. 73-1208e et seq.):

- 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.

### 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 service members, 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 meets other criteria (KSA 2014 Supp. 76-729 as amended by 2015 HB 2154, KAR 88-3-8a, KAR 88-3-12).

- **Scholarships and Tuition Assistance.**

- The Kansas Military Service Scholarship covers tuition and fees for certain active duty service members and honorably discharged (or generally discharged under honorable conditions) veterans who have served after September 11, 2001 (KSA 2014 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 service members 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 2014 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 2014 Supp. 72-60c01).

## TAXES

- **Property Tax**

- A deployed active duty service member, outside of the United States for at least six months, may defer payment of taxes on real property for up to two years (KSA 2014 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 2014 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 2014 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 2014 Supp. 79-201a).
- **Income Tax**
  - Kansas does not tax veterans' retirement income (KSA 2014 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 2014 Supp. 79-3221i), and the Kansas Hometown Heroes Fund, to be used solely for veterans' services programs of the KCVAO (KSA 2014 Supp. 79-3221k).
- **Vehicle Tax.** No vehicle taxes are levied on the first two vehicles of certain service members:
  - Full-time members of the military service stationed in Kansas or full-time active Guard or Reserves; and
  - Active duty service members who are out of the state on orders when the vehicle taxes are due when the service members maintain the vehicle outside the state or the service member is deployed (KSA 2014 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 2014 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 2014 Supp. 48-3406, since 2012, as amended by 2015 HB 2154);
  - **Expedited State Licensure for Service Members 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 2014 Supp. 48-3406, since 2012 as amended by 2015 HB 2154);

- **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); and
- **No Honorable Discharge Requirement.** Kansas permits licensing bodies to grant professional credentials to former service members 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 2014 Supp. 48-3406 as amended by 2015 HB 2154).
- **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 2014 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 Veteran's 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 (2015 HB 2154, Section 1);
- **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 2014 Supp. 73-230, added 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., added 1941, as amended by 2015 HB 2154);
- **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 2014 Supp. 75-3228, added 2008); and
- **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 2014 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 2014 Supp. 12-4415 and 22-2908 as amended by 2015 HB 2154);
- **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 2014 Supp. 21-6630 and KSA 2014 Supp. 21-6815 as amended by 2015 HB 2154);
- **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 2014 Supp. 12-4415 and 22-2908 as amended by 2015 HB 2154); and
  - **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 2014 Supp. 21-6630 as amended by 2015 HB 2154);



- **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 2014 Supp. 21-6630, as amended by 2015 HB 2154).

## 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 (VA) 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 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 2014 Supp. 12-772 et seq., added in 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 2014 Supp. 8-240(a)(2)); and
  - 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 2014 Supp. 8-243(e)).
  - 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 2014 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 2014 Supp. 75-7c01 et seq. as amended by 2015 SB 45);
- **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-Fee> 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 <http://www.ksrevenue.org/dmv-plates.html>;
  - **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 2014 Supp. 8-161 as amended by 2015 HB 2006);
  - **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 2014 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 2014 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 2014 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 to 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 2014 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 2014 Supp. 73-309](#), since 2014).

**For more information, please contact:**

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