

Kansas Office of Veterans Services; Veterans Claims Assistance Service Grants; Service-connected Disability Evaluations and Determinations; Veterans' Benefits; HB 2760

HB 2760 abolishes the Kansas Commission on Veterans Affairs Office (KCVAO), creates the Kansas Office of Veterans Services (KOVs), and makes other changes relating to the transfer of powers, duties, and functions of KCVAO to KOVS; updates and clarifies certain military definitions; amends law concerning documents required to establish a service-connected disability; amends law concerning federal disability determinations; establishes common definitions of "veteran" and "disabled veteran" in various statutes; and clarifies service-connected disability evaluations. The bill updates 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 KOVS

The bill abolishes the KCVAO and the Office of the Director of the KCVAO. All powers, duties, and functions of the agency and the KCVAO Director are transferred to the KOVS and the KOVS Director. The bill renames the KCVAO as the KOVS. The bill deems references to KCVAO in statutes, contracts, or other documents as applicable to the KOVS.

The bill establishes the KOVS within the Executive Branch of government. Under the bill, the KOVS Director must be a veteran who is appointed by the Governor and confirmed by the Senate. The KOVS Director serves in the unclassified service at the pleasure of the Governor and receives an annual salary fixed by the Governor.

The KOVS Director supervises the administration of all budgeting, purchasing, and related management functions of the agency.

The bill confers the responsibilities of the KCVAO to the KOVS. Under continuing 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.

The bill also replaces references in continuing law to the KCVAO with references to the KOVS and repeals statutes regarding the establishment of the KCVAO and its duties.

Veterans Claims Assistance Program Service Grant Requirements

The bill replaces references to the obsolete federal Veterans Administration with references to the federal Department of Veterans Affairs (VA). This means that in order to be eligible to participate in the annual VCAP service grant, veterans service organizations (VSOs) must 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 specifies that the training for veterans claims assistance representatives (VCARs) are conducted by qualified trainers, rather than qualified VCARs. An individual who wishes to be an accredited VCAR must provide proof to the KOVS that such individual successfully completed the VA Training, Responsibility, Involvement, and Preparation of Claims course.

[*Note:* Under prior law, the VCAP required 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 authorized to assist other veterans and their dependents in filing claims with the federal government for earned benefits.]

Updates to Definitions

The bill updates and clarifies certain military definitions, as follows.

Active Service

The bill updates the term “military service” to “active service.” The term is 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 any of the several states and territories, Puerto Rico, and the District of Columbia. “Active service” also includes members of the Army, Navy, Marine Corps, Air Force, and Coast Guard.

Armed Forces

The bill defines 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 updates the definition of 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.

Service-connected Disability Documentation

The bill limits the types of documents an agency may require for purposes of determining a veteran’s eligibility for benefits related to a service-connected disability.

Definitions

The bill defines the following terms:

- “Service-connected disability” means a disability, or death if such death resulted from the disability, incurred or aggravated in the line of active duty; and

- “Veteran” means 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 allows 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 U.S. passport;
- An unexpired Real ID state driver’s license;
- A Veteran Health Identification Card issued by 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 prohibits 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 also are 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 requires the federal determinations concerning service-connected disability or death to be probative. [Note: “Probative” is a legal term meaning tending to provide or disprove.]

Definitions

The bill defines the following terms:

- “Service-connected disability” means 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” means 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 prohibits 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 prohibits 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 authorizes requesting a veteran or their surviving family member to provide certain records documenting the veteran's service-connected status.

Disclosure of Disability

The bill requires 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 establishes common definitions of “veteran” and “disabled veteran” for purposes of determining eligibility for state veteran benefits. The bill also clarifies the disability evaluation percentages required for certain state benefits available to disabled veterans.

Definitions

The bill modifies 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” have been defined in a variety of ways in prior law.]

The bill modifies certain definitions, as follows:

- “Veteran” means 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” means 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” means 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 an individual who received an honorable discharge or a general discharge under honorable conditions is 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 incorporates 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” is eligible for the following benefits in continuing law:

- 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 [National Guard] 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 in 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” is eligible for the following benefits in continuing law:

- 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.