

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2154

As Amended by Senate Committee on Federal
and State Affairs

Brief*

HB 2154 would establish a permissive veterans' preference in private employment. The bill would authorize a private employer to adopt a policy to give a hiring preference to a veteran who meets the requirements of the job. The bill would require such a policy to be in writing and to be applied consistently to all decisions regarding initial employment. Veterans would be required to provide the employer with proof of military service and proof of honorable discharge or general discharge under honorable conditions from military service.

The bill also would provide employment reinstatement protections to any person employed in Kansas who is called or ordered to state active duty by Kansas or any other state, whether the person is a member of the Kansas Army National Guard, the Kansas Air National Guard, or other military force of Kansas or any other state. To receive these employment protections a person eligible under the bill would have to comply with other requirements in existing law, including provision of adequate notice to employer and release from state active duty under honorable conditions. Current law provides employment protections only to persons called or ordered to duty by the State of Kansas who are members of a Kansas military force.

Finally, the bill would grant in-state tuition and fees to current military personnel, National Guard personnel, veterans, military spouses, and dependents who are

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

attending a post-secondary education institution and are eligible to receive educational assistance under federal law granting such assistance to veterans, regardless of their length of residency in Kansas. In order to receive in-state tuition and fees, the person must be continuously enrolled and file a letter of intent to establish residency in Kansas.

Background

The Senate Committee on Federal and State Affairs amended HB 2154 by adding the provisions of HB 2155, as amended by the House Committee on Veterans, Military and Homeland Security, and HB 2228, as amended by the House Committee of the Whole and as amended by the Senate Committee, to the provisions of HB 2154, as amended by the House Committee of the Whole.

HB 2154

HB 2154 was introduced by the House Committee on Veterans, Military and Homeland Security, at the request of Representative Phillips. Proponent testimony was provided in the House Committee by Representative Phillips and representatives of the Kansas Commission on Veterans' Affairs Office, the U.S. Department of Defense, and the Governor's Military Council. No neutral or opponent testimony was provided.

The House Committee of the Whole amended the bill by replacing language requiring veterans to provide DD214 forms with language requiring veterans to provide proof of military service and proof the discharge was honorable or general under honorable conditions. This amendment was technical in nature and was made because not every veteran discharged from military service will receive a DD214 form, as required by the bill, as introduced.

At the hearing in the Senate Federal and State Affairs Committee, Representative Phillips and representatives from the U.S. Department of Defense and the American Legion appeared in support of the bill. Written testimony in support of the bill was submitted by a representative of the Governor's Military Council.

According to the fiscal note prepared by the Division of the Budget, the original bill would have no fiscal effect on the Kansas Department of Labor's budget. The Attorney General indicates the only potential cost would come from a legal challenge to the law and if such a challenge were to be made, the agency would defend the action using existing resources. Any fiscal effect associated with HB 2154 is not reflected in *The FY 2016 Governor's Budget Report*.

HB 2155

HB 2155 was introduced by the House Committee on Veterans, Military and Homeland Security at the request of Representative Phillips. He testified the bill provides employment protections for members of the National Guard who are employed outside their affiliated state at the time of state-sponsored activations. Additional testimony in support of the bill was provided by representatives of the Adjutant General's Department, the Kansas Commission on Veterans' Affairs Office, the Governor's Military Council, and the U.S. Department of Defense. A conferee noted there are 232 persons who work in Kansas assigned to the National Guard in one of the four states that border Kansas. Under current law those individuals do not have reemployment rights when they complete state active duty.

The House Committee amended the bill to correct references to state active duty, further specify the type of documentation received upon release from state active duty, and clarify the circumstances and manner in which the Adjutant General's Department provides technical assistance to a person denied benefits under the law.

At the hearing in the Senate Federal and State Affairs Committee, Representative Phillips and representatives from the U.S. Department of Defense, and the Kansas Adjutant General's Office appeared in support of the bill. Written testimony in support of the bill was submitted by a representative of the Governor's Military Council.

The fiscal note prepared by the Division of the Budget, on HB 2155, as introduced, indicates passage of the bill could increase the number of claims investigations the Adjutant General's Department would have to conduct. However, there is no way to estimate how many cases, the length of time to investigate each case, or how much it would cost to hire an investigative officer. Any fiscal effect associated with HB 2155 is not reflected in *The FY 2016 Governor's Budget Report*.

HB 2228

The House Committee on Veterans, Military and Homeland Security introduced the bill. Proponent testimony was offered by Representative Hutchins and representatives of the National Guard Association of Kansas, Military Officers Association of America, Kansas Commission on Veterans' Affairs Office, American Legion Department of Kansas, and Kansas Department of Veterans of Foreign Wars. Written proponent testimony was provided by the Kansas Board of Regents and Kansas Adjutant General's Department. Proponents of the bill explained this change in law is necessary to make Kansas statutes compliant with requirements established in the Veterans Access Choice and Accountability Act of 2014, for state universities to provide in-state tuition and fees to certain veterans, spouses, and dependents. Under the Choice Act, states that do not comply with the in-state tuition and fee requirements will lose federal GI Bill funding approval. There was no neutral or opponent testimony provided.

The bill, as introduced, did not provide in-state tuition and fees to members of the National Guard. The House

Committee amended the bill to provide National Guard service members in-state tuition and fees.

The House Committee of the Whole made a technical amendment to the bill to make its new provisions part of the Militia, Defense and Public Safety chapter of the *Kansas Statutes Annotated*.

At the hearing in the Senate Committee, Representative Hutchins and representatives from the Kaw Valley Chapter of the Military Officers Association of America, the National Guard Association of Kansas, the Kansas Commission on Veterans' Affairs Office, the American Legion, the Disabled American Veterans appeared in support of the bill. Written testimony in support of the bill was submitted by the Kansas Veterans of Foreign Wars, the Kansas Board of Regents, and the Kansas Adjutant General's Office. There was no neutral or opponent testimony on the bill.

The Senate Committee amended the bill by clarifying that current members, not just active duty members, of the armed forces qualified for in-state tuition, and to clarify that such member must live in the state where attending a post-secondary educational institution. Previously the bill had required members to "reside" in the state where "enrolled in" an post-secondary educational institution.

The fiscal note prepared by the Division of the Budget on the HB 2228, as introduced, states the bill could reduce tuition revenue at state universities. Under current law, the state universities waived out-of-state tuition of \$5,390,592 for qualifying military persons and their families in 2014. The proposed law would cause the out-of-state tuition waiver to increase. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.