

HOUSE BILL No. 2831

By Committee on Taxation

Requested by Representative Ellis

3-12

1 AN ACT concerning veterans and military; relating to disabled veterans;
2 requiring that federal disability determinations be probative; prohibiting
3 state agencies and municipalities from reconsidering a veteran's
4 disability determination.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) As used in this section:

8 (1) "Non-service-connected" means, regarding disability or death,
9 that such disability was not incurred or aggravated, or that death did not
10 result from a disability incurred or aggravated, in the line of duty in the
11 active military, naval, air or space service.

12 (2) "Service-connected" means, regarding disability or death, that
13 such disability was incurred or aggravated, or that death resulted from a
14 disability incurred or aggravated, in the line of duty in the active military,
15 naval, air or space service.

16 (3) "Veteran" means a person who served in the active military, naval,
17 air or space service, including those groups and individuals listed under 38
18 C.F.R. 3.7, and who was discharged or released therefrom under conditions
19 other than dishonorable.

20 (b) Findings of a service-connected disability or death by federal
21 officials shall be probative. State agencies and municipalities, as defined in
22 K.S.A. 12-105a, and amendments thereto, shall not:

23 (1) Request or demand a veteran's private health information for the
24 purpose of determining eligibility for service-connected or non-service-
25 connected disability benefits;

26 (2) reconsider disability determinations made by:

27 (A) The secretary of the army, with respect to matters concerning the
28 army;

29 (B) the secretary of the navy, with respect to matters concerning the
30 navy and the marine corps;

31 (C) the secretary of the air force, with respect to matters concerning
32 the air force or the space force;

33 (D) the secretary of homeland security, with respect to matters
34 concerning the coast guard;

35 (E) the secretary of health and human services, with respect to

1 matters concerning the public health service; and

2 (F) the secretary of commerce, with respect to matters concerning the
3 national oceanic and atmospheric administration or its predecessor, the
4 coast and geodetic survey;

5 (3) reconsider the disability determinations made under the authority
6 of a secretary defined in subsection (b)(2) or the secretary of veterans
7 affairs; or

8 (4) request or demand a veteran voluntarily seek a re-evaluation of
9 such veteran's existing service-connected disability claim.

10 (c) A veteran or such veteran's surviving family members may be
11 asked to document such veteran's service-connected status regarding the
12 disability or death of such veteran or service member with:

13 (1) A department of veterans affairs benefits summary letter with
14 service-connected disability marked "yes";

15 (2) a military service physical evaluation board document, issued
16 under the authority of 10 U.S.C. § 1222(a), with the finding of "unfit for
17 duty"; or

18 (3) a posthumous purple heart decoration, a military posthumous
19 award citation, military orders or official casualty notification
20 correspondence from the department of defense.

21 (d) A veteran's percentage of disability evaluation finding shall be
22 disclosed by such veteran or such veteran's family members if germane to
23 the Kansas statutory limitation in question.

24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the statute book.