

HOUSE BILL No. 2833

By Committee on Taxation

Requested by Representative Ellis

3-12

1 AN ACT concerning veterans and military; modifying the definition of
2 veteran and disabled veteran to create a common definition for each
3 term; clarifying disability evaluations for benefits granted to disabled
4 veterans; amending K.S.A. 8-160, 8-243, 8-1324, 73-201, 73-230, 73-
5 1222 and 73-1239 and K.S.A. 2023 Supp. 32-934, 48-3601, 50-676,
6 75-3740 and 79-4502 and repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 8-160 is hereby amended to read as follows: 8-160.
10 As used in this act, the term "disabled veteran" means a person who has:

11 (a) ~~Served in the armed forces of the United States and who is~~
12 ~~entitled to compensation for a service-connected disability of at least 50%~~
13 ~~and the laws administered by the veterans administration or who is entitled~~
14 ~~to compensation for the loss, or permanent loss of use, of one or both feet~~
15 ~~or one or both hands, or for permanent visual impairment of both eyes to a~~
16 ~~prescribed degree active military, naval, air or space service and who was~~
17 ~~discharged or released therefrom under conditions other than~~
18 ~~dishonorable;~~

19 (b) *received a disability that was incurred or aggravated in the line*
20 *of duty in the active military, naval, air or space service; and*

21 (c) *has a service-connected evaluation percentage equal to or greater*
22 *than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

23 Sec. 2. K.S.A. 8-243 is hereby amended to read as follows: 8-243. (a)
24 Upon payment of the required fee, the division shall issue to every
25 applicant qualifying under the provisions of this act the driver's license as
26 applied for by the applicant. Such license shall bear the class or classes of
27 motor vehicles which the licensee is entitled to drive, a distinguishing
28 number assigned to the licensee, the full legal name, date of birth, gender,
29 address of principal residence and a brief description of the licensee,
30 either: (1) A digital color image or photograph; or (2) a laser engraved
31 photograph of the licensee, a facsimile of the signature of the licensee and
32 the statement provided for in subsection (b). No driver's license shall be
33 valid until it has been signed by the licensee. All drivers' licenses issued to
34 persons under the age of 21 years shall be readily distinguishable from
35 licenses issued to persons age 21 years or older. In addition, all drivers'

1 licenses issued to persons under the age of 18 years shall also be readily
2 distinguishable from licenses issued to persons age 18 years or older. The
3 secretary of revenue shall implement a vertical format to make drivers'
4 licenses issued to persons under the age of 21 more readily
5 distinguishable. Except as otherwise provided, no driver's license issued by
6 the division shall be valid until either: (1) A digital color image or
7 photograph; or (2) a laser engraved photograph of such licensee has been
8 taken and verified before being placed on the driver's license. The
9 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
10 payment of such fee, the division shall cause either: (1) A digital color
11 image or photograph; or (2) a laser engraved photograph of such applicant
12 to be placed on the driver's license. Upon payment of such fee prescribed
13 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
14 246, and amendments thereto, for issuance of a new license, the division
15 shall issue to such licensee a new license containing either: (1) A digital
16 color image or photograph; or (2) a laser engraved photograph of such
17 licensee. A driver's license which does not contain the principal address as
18 required may be issued to persons who are program participants pursuant
19 to K.S.A. 75-455, and amendments thereto, upon payment of the fee
20 required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'
21 licenses and identification cards shall have physical security features
22 designed to prevent tampering, counterfeiting or duplication of the
23 document for fraudulent purposes. The secretary of revenue shall
24 incorporate common machine-readable technology into all Kansas drivers'
25 licenses and identification cards.

26 (b) A Kansas driver's license issued to any person 16 years of age or
27 older who indicated on the person's application that the person wished to
28 make a gift of all or any part of the body of the licensee in accordance with
29 the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,
30 and amendments thereto, shall have the word "Donor" placed on the front
31 of the licensee's driver's license.

32 (c) Any person who is deaf or hard of hearing may request that the
33 division issue to such person a driver's license which is readily
34 distinguishable from drivers' licenses issued to other drivers and upon such
35 request the division shall issue such license. Drivers' licenses issued to
36 persons who are deaf or hard of hearing and under the age of 21 years shall
37 be readily distinguishable from drivers' licenses issued to persons who are
38 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
39 subsection (a), the division shall issue a receipt of application permitting
40 the operation of a vehicle consistent with the requested class, if there are
41 no other restrictions or limitations, pending the division's verification of
42 the information and production of a driver's license.

43 (d) A driver's license issued to a person required to be registered

1 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
2 distinguishing number by the division which will readily indicate to law
3 enforcement officers that such person is a registered offender. The division
4 shall develop a numbering system to implement the provisions of this
5 subsection.

6 (e) (1) Any person who is a veteran may request that the division
7 issue to such person a driver's license ~~which~~ *that* shall include the
8 designation "VETERAN" displayed on the front of the driver's license at a
9 location to be determined by the secretary of revenue. In order to receive a
10 license described in this subsection, the veteran ~~must~~ *shall* provide ~~proof~~
11 ~~of the veteran's military service and honorable discharge or general~~
12 ~~discharge under honorable conditions, including~~ a copy of the veteran's
13 ~~DD214 form DD form 214, NGB form 22 or equivalent discharge~~
14 ~~document showing character of service as honorable or general under~~
15 ~~honorable conditions.~~

16 (2) As used in this subsection, "veteran" means a person who:

17 ~~(A) Has served in: The army, navy, marine corps, air force, coast~~
18 ~~guard, air or army national guard or any branch of the military reserves of~~
19 ~~the United States; and~~

20 ~~(B) has been separated from the branch of service in which the person~~
21 ~~was honorably discharged or received a general discharge under honorable~~
22 ~~conditions served in the active military, naval, air or space service and~~
23 ~~who was discharged or released therefrom under conditions other than~~
24 ~~dishonorable.~~

25 (3) The director of vehicles may adopt any rules and regulations
26 necessary to carry out the provisions of this subsection.

27 (f) (1) Any person who submits satisfactory proof to the director of
28 vehicles, on a form provided by the director, that such person needs
29 assistance with cognition, including, but not limited to, persons with
30 autism spectrum disorder, may request that the division issue to such
31 person a driver's license, that shall note such impairment on the driver's
32 license at a location to be determined by the secretary of revenue.

33 (2) Satisfactory proof that a person needs assistance with cognition
34 shall include a statement from a person licensed to practice the healing arts
35 in any state, an advanced practice registered nurse licensed under K.S.A.
36 65-1131, and amendments thereto, a licensed physician assistant or a
37 person clinically licensed by the Kansas behavioral sciences regulatory
38 board certifying that such person needs assistance with cognition.

39 Sec. 3. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324.

40 (a) Any resident who does not hold a current valid Kansas driver's license
41 may make application to the division of vehicles and be issued one
42 identification card.

43 (b) (1) Each application for an identification card shall include a

1 question asking if the applicant is willing to give such applicant's
2 authorization to be listed as an organ, eye and tissue donor in the Kansas
3 donor registry in accordance with the revised uniform anatomical gift act,
4 K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would
5 become effective upon the death of the donor.

6 (2) For the purpose of obtaining an identification card, an applicant
7 shall submit, with the application, proof of age, proof of identity and proof
8 of lawful presence. An applicant shall submit with the application a photo
9 identity document, except that a non-photo identity document is acceptable
10 if it includes both the applicant's full legal name and date of birth, and
11 documentation showing the applicant's name, the applicant's address of
12 principal residence and the applicant's social security account number. The
13 applicant's social security number shall remain confidential and shall not
14 be disclosed, except as provided pursuant to K.S.A. 74-2014, and
15 amendments thereto. If the applicant does not have a social security
16 number, the applicant shall provide proof of lawful presence and Kansas
17 residency. The division shall assign a distinguishing number to the
18 identification card. Before issuing an identification card to a person, the
19 division shall make reasonable efforts to verify with the issuing agency the
20 issuance, validity and completeness of each document required to be
21 presented by the applicant to prove age, identity and lawful presence.

22 (c) The division shall not issue an identification card to any person
23 who fails to provide proof that the person is lawfully present in the United
24 States. If an applicant provides evidence of lawful presence as set out in
25 K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an
26 alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)
27 (B), and amendments thereto, the division may only issue a temporary
28 identification card to the person under the following conditions:

29 ~~(A)~~(1) A temporary identification card issued pursuant to this
30 subparagraph shall be valid only during the period of time of the
31 applicant's authorized stay in the United States or, if there is no definite
32 end to the period of authorized stay, a period of one year;

33 ~~(B)~~(2) a temporary identification card issued pursuant to this
34 subparagraph shall clearly indicate that it is temporary and shall state the
35 date upon which it expires;

36 ~~(C)~~(3) no temporary identification card issued pursuant to this
37 subparagraph shall be for a longer period of time than the time period
38 permitted by K.S.A. 8-1325, and amendments thereto; and

39 ~~(D)~~(4) a temporary identification card issued pursuant to this
40 subparagraph may be renewed, subject at the time of renewal, to the same
41 requirements and conditions set forth in this subsection for the issuance of
42 the original temporary identification card.

43 (d) The division shall not issue an identification card to any person

1 who holds a current valid Kansas driver's license unless such driver's
2 license has been physically surrendered pursuant to the provisions of
3 K.S.A. 8-1002(e), and amendments thereto.

4 (e) The division shall refuse to issue an identification card to a person
5 holding a driver's license or identification card issued by another state
6 without confirmation that the person is terminating or has terminated the
7 license or identification card.

8 (f) The parent or guardian of an applicant under 16 years of age shall
9 sign the application for an identification card submitted by such applicant.

10 (g) (1) The division shall require payment of a fee of \$14 at the time
11 application for an identification card is made, except that persons who are
12 65 or more years of age or who are handicapped, as defined in K.S.A. 8-
13 1,124, and amendments thereto, shall be required to pay a fee of only \$10.
14 In addition to the fees prescribed by this subsection, the division shall
15 require payment of the photo fee established pursuant to K.S.A. 8-243, and
16 amendments thereto, for the cost of the photograph to be placed on the
17 identification card.

18 (2) The division shall not require or accept payment of application or
19 photo fees under this subsection for any person 17 years of age or older for
20 purposes of meeting the voter identification requirements of K.S.A. 25-
21 2908, and amendments thereto. Such person shall:

22 (A) Swear under oath that such person desires an identification card
23 in order to vote in an election in Kansas and that such person does not
24 possess any of the forms of identification acceptable under K.S.A. 25-
25 2908, and amendments thereto. The affidavit shall specifically list the
26 acceptable forms of identification under K.S.A. 25-2908, and amendments
27 thereto; and

28 (B) produce evidence that such person is registered to vote in Kansas.

29 (3) The secretary of revenue shall adopt rules and regulations in order
30 to implement the provisions of paragraph (2).

31 (h) All Kansas identification cards shall have physical security
32 features designed to prevent tampering, counterfeiting or duplication for
33 fraudulent purposes.

34 (i) For the purposes of K.S.A. 8-1324 through 8-1328, and
35 amendments thereto, a person shall be deemed to be a resident of the state
36 if *the person*:

37 (1) ~~the person~~ Owns, leases or rents a place of domicile in this state;

38 (2) ~~the person~~ engages in a trade, business or profession in this state;

39 (3) ~~the person~~ is registered to vote in this state;

40 (4) ~~the person~~ enrolls the person's child in a school in this state; or

41 (5) ~~the person~~ registers the person's motor vehicle in this state.

42 (j) The division shall require that any person applying for an
43 identification card submit to a mandatory facial image capture. The

1 captured facial image shall be displayed on the front of the applicant's
2 identification card by either:

3 (1) A digital color image or photograph; or

4 (2) a laser-engraved photograph of the licensee.

5 (k) (1) Any person who is a veteran may request that the division
6 issue to such person a nondriver identification card ~~which~~ *that* shall
7 include the designation "VETERAN" displayed on the front of the
8 nondriver identification card at a location to be determined by the
9 secretary of revenue. In order to receive a nondriver identification card
10 described in this subsection, the veteran ~~must~~ *shall* provide ~~proof of the~~
11 ~~veteran's military service and honorable discharge or general discharge~~
12 ~~under honorable conditions, including a copy of the veteran's DD214 form~~
13 *DD form 214, NGB form 22 or equivalent discharge document showing*
14 *character of service as honorable or general under honorable conditions.*

15 (2) As used in this subsection, "veteran" means a person who:

16 ~~(A) Has served in: The army, navy, marine corps, air force, coast~~
17 ~~guard, air or army national guard or any branch of the military reserves of~~
18 ~~the United States; and~~

19 ~~(B) has been separated from the branch of service in which the person~~
20 ~~was honorably discharged or received a general discharge under honorable~~
21 ~~conditions served in the active military, naval, air or space service and~~
22 ~~who was discharged or released therefrom under conditions other than~~
23 ~~dishonorable.~~

24 (3) The director of vehicles may adopt any rules and regulations
25 necessary to carry out the provisions of this subsection.

26 (l) The director of vehicles may issue a temporary identification card
27 to an applicant who cannot provide valid documentary evidence as defined
28 by subsection (c), if the applicant provides compelling evidence proving
29 current lawful presence. Any temporary identification card issued pursuant
30 to this subparagraph shall be valid for one year.

31 (m) Upon payment of the required fee, the division shall issue to
32 every applicant qualifying under the provisions of this act an identification
33 card. Such identification card shall bear a distinguishing number assigned
34 to the cardholder, the full legal name, date of birth, address of principal
35 residence, a brief description of the cardholder, either:

36 (1) A digital color image or photograph; or

37 (2) a laser engraved photograph of the cardholder, and a facsimile of
38 the signature of the cardholder. An identification card which does not
39 contain the address of principal residence of the cardholder as required
40 may be issued to persons who are program participants pursuant to K.S.A.
41 75-455, and amendments thereto.

42 (n) An identification card issued to any person who indicated on the
43 application that the person wished to make an anatomical gift in

1 accordance with the revised uniform anatomical gift act, K.S.A. 65-3220
2 through 65-3244, and amendments thereto, shall have the word "Donor"
3 placed on the front of the applicant's identification card.

4 (o) (1) Any person who submits satisfactory proof to the director of
5 vehicles, on a form provided by the director, that such person needs
6 assistance with cognition, including, but not limited to, persons with
7 autism spectrum disorder, may request that the division issue to such
8 person a nondriver identification card, that shall note such impairment on
9 the nondriver identification card at a location to be determined by the
10 secretary of revenue.

11 (2) Satisfactory proof that a person needs assistance with cognition
12 shall include a statement from a person licensed to practice the healing arts
13 in any state, an advanced practice registered nurse licensed under K.S.A.
14 65-1131, and amendments thereto, a licensed physician assistant or a
15 person clinically licensed by the Kansas behavioral sciences regulatory
16 board certifying that such person needs assistance with cognition.

17 (p)-(t) The secretary of revenue shall permit an electronic online
18 renewal of an identification card if the electronic online renewal applicant
19 previously provided documentation of identity, lawful presence and
20 residence to the division for electronic scanning. For purposes of this
21 subsection, the division may rely on the division's most recent, existing
22 color digital image and signature image of the applicant for the nondriver's
23 identification card if the division has such images on file. The
24 determination on whether an electronic online renewal application or
25 equivalent of a nondriver's identification card is permitted shall be made
26 by the director of vehicles or the director's designee. The division shall not
27 renew a nondriver's identification card through an electronic online or
28 equivalent process if the identification card has been previously renewed
29 through an electronic online application in the immediately preceding
30 card's expiration period. No renewal under this subsection shall be granted
31 to any person who is a registered offender pursuant to K.S.A. 22-4901 et
32 seq., and amendments thereto.

33 ~~(2) Prior to February 1, 2023, the division shall report to the house of~~
34 ~~representatives and the senate committees on transportation regarding the~~
35 ~~online renewal process of this subsection and the effects of implementing~~
36 ~~such process.~~

37 Sec. 4. K.S.A. 2023 Supp. 32-934 is hereby amended to read as
38 follows: 32-934. (a) Subject to the provisions of K.S.A. 32-920, and
39 amendments thereto, the secretary of wildlife and parks or the secretary's
40 designee shall issue, free of charge, a permanent license to hunt and fish to
41 any person residing in the state who submits to the secretary satisfactory
42 proof that the person is a disabled veteran. Any such person hunting or
43 fishing in this state shall be subject to the provisions of all rules and

1 regulations relating to hunting or fishing.

2 (b) As used in this section, "disabled veteran" means a person who:

3 (1) ~~Was a member of the armed services~~ *Served in the active*
 4 *military, naval, air or space service and who was discharged or released*
 5 *therefrom under conditions other than dishonorable;*

6 (2) ~~has separated from the armed services under honorable~~
 7 ~~conditions~~ *received a disability that was incurred or aggravated in the*
 8 *line of duty in the active military, naval, air or space service; and*

9 (3) ~~has a disability certified by the Kansas commission on veterans~~
 10 ~~affairs office as being service-connected and such service-connected~~
 11 ~~disability is service-connected evaluation percentage equal to or greater~~
 12 ~~than 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

13 Sec. 5. K.S.A. 2023 Supp. 48-3601 is hereby amended to read as
 14 follows: 48-3601. (a) A current member of the armed forces of the United
 15 States or the member's spouse or dependent child who is enrolled or has
 16 been accepted for admission at a postsecondary educational institution as a
 17 postsecondary student shall be deemed to be a resident of the state for the
 18 purpose of tuition and fees for attendance at such postsecondary
 19 educational institution.

20 (b) A person is entitled to pay tuition and fees at an institution of
 21 higher education at the rates provided for Kansas residents without regard
 22 to the length of time the person has resided in the state if the person:

23 (1) (A) Files a letter of intent to establish residence in the state with
 24 the postsecondary educational institution at which the person intends to
 25 register;

26 (B) lives in the state while attending the postsecondary educational
 27 institution; and

28 (C) is eligible for benefits under the federal post-9/11 veterans
 29 educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other
 30 federal law authorizing educational benefits for veterans;

31 (2) (A) is a veteran;

32 (B) was stationed in Kansas for at least 11 months during *active*
 33 *service* in the armed forces or had established residency in Kansas prior to
 34 *active service* in the armed forces; and

35 (C) lives in Kansas at the time of enrollment; or

36 (3) (A) is the spouse or dependent of a veteran who was stationed in
 37 Kansas for at least 11 months during such veteran's *period of active*
 38 *service* in the armed forces or had established residency in Kansas prior to *active*
 39 *service* in the armed forces; and

40 (B) lives in Kansas at the time of enrollment.

41 (c) As used in this section:

42 (1) "Armed forces" means the army, navy, marine corps, air force,
 43 *space force*, coast guard, Kansas army or air national guard or any ~~branch~~

1 *component* of the military reserves of the United States;

2 (2) "postsecondary educational institution" means the same as
3 ~~provided~~ *defined* in K.S.A. 74-3201b, and amendments thereto; and

4 (3) "veteran" means a person who ~~has been separated from the armed~~
5 ~~forces and was honorably discharged or received a general discharge under~~
6 ~~honorable conditions~~ *served in the active military, naval, air or space*
7 *service and who was discharged or released therefrom under conditions*
8 *other than dishonorable.*

9 (d) This section shall be a part of and supplemental to chapter 48 of
10 the Kansas Statutes Annotated, and amendments thereto.

11 Sec. 6. K.S.A. 2023 Supp. 50-676 is hereby amended to read as
12 follows: 50-676. As used in K.S.A. 50-676 through 50-679, and
13 amendments thereto:

14 (a) "Elder person" means a person who is 60 years of age or older.

15 (b) "Disabled person" means a person who has physical or mental
16 impairment, or both, that substantially limits one or more of such person's
17 major life activities.

18 (c) "Immediate family member" means parent, child, stepchild or
19 spouse.

20 (d) "Major life activities" includes functions such as caring for one's
21 self, performing manual tasks, walking, seeing, hearing, speaking,
22 breathing, learning and working.

23 (e) "Member of the ~~military armed forces~~" means a ~~member of the~~
24 ~~armed forces or national guard on active duty or a member of an active~~
25 ~~reserve unit in the armed forces or national guard~~ *person performing*
26 *active service in the army, navy, marine corps, air force, space force, coast*
27 *guard or any component of the military reserves of the United States.*

28 (f) "Physical or mental impairment" means the following:

29 (1) Any physiological disorder or condition, cosmetic disfigurement
30 or anatomical loss substantially affecting one or more of the following
31 body systems:

32 (A) Neurological;

33 (B) musculoskeletal;

34 (C) special sense organs;

35 (D) respiratory, including speech organs;

36 (E) cardiovascular;

37 (F) reproductive;

38 (G) digestive;

39 (H) genitourinary;

40 (I) hemic and lymphatic;

41 (J) skin; or

42 (K) endocrine; or

43 (2) any mental or psychological disorder, such as intellectual

1 disability, organic brain syndrome, emotional or mental illness and specific
2 learning disabilities.

3 The term "physical or mental impairment" includes, but is not limited to,
4 to, orthopedic, visual, language and hearing disorders, cerebral palsy,
5 epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease,
6 diabetes, intellectual disability and emotional illness.

7 (g) "Protected consumer" means:

8 (1) An elder person;

9 (2) a disabled person;

10 (3) a veteran;

11 (4) the surviving spouse of a veteran;

12 (5) a member of the ~~military~~ *armed forces*; and

13 (6) an immediate family member of a member of the ~~military~~ *armed*
14 *forces*.

15 (h) "Substantially limits" means:

16 (1) Unable to perform a major life activity that the average person in
17 the general population can perform; or

18 (2) significantly restricted as to the condition, manner or duration
19 under which an individual can perform a particular major life activity as
20 compared to the condition, manner or duration under which the average
21 person in the general population can perform that same major life activity.
22 Minor temporary ailments or injuries shall not be considered physical or
23 mental impairments that substantially limit a person's major life activities.
24 Minor temporary ailments include, but are not limited to, colds, influenza
25 or sprains or minor injuries.

26 (i) "Veteran" means a person who ~~has served in the armed forces of~~
27 ~~the United States and separated from the armed forces under honorable~~
28 ~~conditions~~ *active military, naval, air or space service and who was*
29 *discharged or released therefrom under conditions other than*
30 *dishonorable*.

31 Sec. 7. K.S.A. 73-201 is hereby amended to read as follows: 73-201.

32 (a) As used in this act:

33 (1) "Veteran" means:

34 (A) ~~Any person who entered the armed forces before October 15,~~
35 ~~1976, and separated from the armed forces under honorable conditions, if~~
36 ~~such person served:~~

37 (i) ~~On active duty during any war (the official dates for war service are~~
38 ~~April 6, 1917 through July 2, 1921, and December 7, 1941 through April~~
39 ~~28, 1952);~~

40 (ii) ~~during the period April 28, 1952 through July 1, 1955;~~

41 (iii) ~~in any campaign or expedition for which a campaign badge or~~
42 ~~service medal has been authorized; or~~

43 (iv) ~~for more than 180 consecutive days since January 31, 1955, but~~

1 before October 15, 1976, excluding an initial period of active duty for
 2 training under the "six-month" reserve or national guard program;

3 ~~(B) any person who entered the armed forces on or after October 15,~~
 4 ~~1976, and separated from the armed forces under honorable conditions, if~~
 5 ~~such person was awarded a service medal or campaign badge~~ *A person*
 6 *who served in the active military, naval, air or space service and who was*
 7 *discharged or released therefrom under conditions other than*
 8 *dishonorable;*

9 ~~(C)(B) any person who separated from the armed forces under~~
 10 ~~honorable conditions and has a disability certified by the United States~~
 11 ~~department of veterans affairs as being service connected, has been issued~~
 12 ~~the purple heart by the United States government or has been released~~
 13 ~~from active service with a service-connected disability who:~~

14 *(1) Served in the active military, naval, air or space service and who*
 15 *was discharged therefrom under conditions other than dishonorable;*

16 *(2) received a disability that was incurred or aggravated in the line*
 17 *of duty in the active military, naval, air or space service; and*

18 *(3) has a disability certified by the Kansas commission on veterans*
 19 *affairs office as being service-connected, pursuant to 38 U.S.C. § 1101 et*
 20 *seq. or 10 U.S.C. § 1201 et seq.;*

21 ~~(D)(C) the spouse of a service-connected disabled veteran who has a~~
 22 ~~100% service connected disability as determined by the United States~~
 23 ~~department of veteran affairs with a permanent and total combined~~
 24 ~~service-connected evaluation percentage of 100%;~~

25 ~~(E)(D) the unmarried surviving spouse of a veteran who died while,~~
 26 ~~and as a result of, serving in armed forces in the line of duty in the active~~
 27 ~~military, naval, air or space service; and~~

28 ~~(F)(E) the spouse of a prisoner of war, as defined by K.S.A. 75-4364,~~
 29 ~~and amendments thereto.~~

30 ~~Notwithstanding the foregoing, the term "Veteran" shall preference in~~
 31 ~~government employment shall not apply to any person who retired from~~
 32 ~~the active military service with the pay grade of 04 or above unless the~~
 33 ~~person retired due to wounds received in combat or is a disabled veteran~~
 34 ~~with a service-connected disability evaluation rating equal to or greater~~
 35 ~~than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

36 (2) "Competent" means a good faith determination that the person is
 37 likely to successfully meet the performance standards of the position based
 38 on what a reasonable person knowledgeable in the operation of the
 39 position would conclude from all information available at the time the
 40 ~~decision~~ *determination* is made. The basis for such determination shall
 41 include experience, training, education, licensure, certification ~~and/or~~ *or*
 42 other factors determined by the decision-making authority as appropriate
 43 to determine the applicant's overall qualification and ability to successfully

1 meet the performance standards of the position. The decision-making
2 authority shall document such factors prior to the initiation of the selection
3 process.

4 (3) "Disabled veteran" means a person who ~~has:~~

5 ~~(A) Served on in the active duty in the armed forces, has been~~
6 ~~separated therefrom under honorable conditions, and has established the~~
7 ~~present existence of a service-connected disability or is receiving~~
8 ~~compensation, disability retirement benefits, or pension because of a~~
9 ~~public statute administered by the department of veterans affairs or a~~
10 ~~military department military, naval, air or space service and was~~
11 ~~discharged or released therefrom under conditions other than~~
12 ~~dishonorable;~~

13 ~~(B) received a disability that was incurred or aggravated in the line~~
14 ~~of duty in the active military, naval air or space service; and~~

15 ~~(C) has a service-connected evaluation percentage, pursuant to 38~~
16 ~~U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

17 (b) In grateful recognition of the services, sacrifices and sufferings of
18 veterans who served in the army, navy, air force, coast guard or marine
19 corps of the United States in world war I and world war II, and of persons
20 who have served with the armed forces of the United States during the
21 military, naval and air operations in Korea, ~~Viet Nam~~ Vietnam, Iraq,
22 Afghanistan or other places under the flags of the United States and the
23 United Nations or under the flag of the United States alone, and have been
24 honorably discharged therefrom, the provisions of this section are enacted.

25 (c) Veterans shall be preferred for initial employment and first
26 promotion in the state government of Kansas, and in the counties and cities
27 of this state, if competent to perform such services. Any veteran thus
28 preferred shall not be disqualified from holding any position in such
29 service on account of the veteran's age or by reason of any physical or
30 mental disability as long as such age or disability does not render the
31 veteran incompetent to perform the duties of the position applied for.
32 When any veteran shall apply for appointment to any such position, place,
33 or employment, the officer, board or person whose duty it is or may be to
34 appoint a person to fill such *position, place or employment* shall, if the
35 applicant be a veteran of good reputation, and can competently perform
36 the duties of the position applied for by the veteran, consider the veteran
37 for appointment to such position, place, or employment. Within 30 days of
38 filling a position, eligible veterans who have applied and are not hired
39 shall be notified by certified mail or personal service that they are not
40 being hired. Such notice also shall advise the veteran of any administrative
41 appeal available.

42 (d) The provisions of this act shall not be applicable to any persons
43 classed as conscientious objectors. The provisions of this act shall not be

1 controlling over the provisions of any statute, county resolution or city
 2 ordinance relating to retirement; or termination on the basis of age, of
 3 employees of the state or any county or city. Whenever under any statute,
 4 county resolution or city ordinance, retirement; or termination on the basis
 5 of age; of any employee is required at a certain age; or is optional with the
 6 employer at a certain age, ~~such provisions~~ of such statute, resolution or
 7 ordinance shall be controlling and shall not be limited by this section.

8 (e) (1) All notices of job openings, if any, and all applications for
 9 employment, if any, by the state and any city or county in this state shall
 10 state that the job is subject to a veteran's preference, how the preference
 11 works and how veterans may take advantage of the preference and post a
 12 written statement of:

- 13 ~~(1)~~(A) The qualifications for such position;
- 14 ~~(2)~~(B) any preferred qualifications of such position;
- 15 ~~(3)~~(C) performance standards for the position; and
- 16 ~~(4)~~(D) the process that will be used for selection.

17 (2) A veteran, ~~or a veteran's spouse or surviving spouse~~ who qualifies
 18 for the veteran's preference, desiring to use a veteran's preference shall
 19 provide the hiring authority with a copy of the veteran's ~~DD214 form or~~
 20 ~~the DD214 form of the veteran~~ *DD form 214, DD form 1300, NGB form*
 21 *22 or other official discharge document recognized by the department of*
 22 *veterans affairs* under which the spouse qualifies for the preference.

23 (f) Every employment center of the state and any city or county
 24 human resources department, if any, shall openly display documents that
 25 indicate that veterans are eligible for a preference in their initial
 26 employment and any first promotion within the employment of the
 27 governmental entity.

28 (g) Any veteran who alleges that a state agency, city or county has not
 29 provided the veterans preference as required by this act, after exhausting
 30 any available administrative remedy, may bring an action in the district
 31 court.

32 Sec. 8. K.S.A. 73-230 is hereby amended to read as follows: 73-230.

33 (a) In awarding any contract for the performance of any job or service for
 34 which moneys appropriated are to be expended, the secretary of
 35 administration, or the secretary's designee, shall give a preference to
 36 disabled veteran businesses doing business as Kansas firms, corporations
 37 or individuals, ~~or which~~ *that* maintain Kansas offices or places of business
 38 and ~~shall~~ have the goal of awarding at least 3% of all such contracts to
 39 disabled veteran businesses.

40 ~~(b) On or before October 1, 2015, the secretary of administration~~
 41 ~~shall file with the Kansas commission on veterans affairs a report of the~~
 42 ~~number of contracts awarded to disabled veteran businesses during the~~
 43 ~~fiscal year ending June 30, 2015, and the number of such businesses that~~

1 responded to solicitations of bids or proposals issued by the department of
2 administration during such fiscal year.

3 (e) As used in this section:

4 (1) "Disabled veteran" means a person who ~~has:~~

5 (A) ~~Served in the armed forces of the United States and who is~~
6 ~~entitled to compensation for a service-connected disability, according to~~
7 ~~the laws administered by the veterans administration, or who is entitled to~~
8 ~~compensation for the loss, or permanent loss of use, of one or both feet or~~
9 ~~one or both hands, or for permanent visual impairment of both eyes to a~~
10 ~~prescribed degree active military, naval, air or space service and who was~~
11 ~~discharged or released therefrom under conditions other than~~
12 ~~dishonorable;~~

13 (B) ~~received a disability that was incurred or aggravated in the line~~
14 ~~of duty in the active military, naval, air or space service; and~~

15 (C) ~~has a service-connected evaluation percentage equal to or~~
16 ~~greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. §~~
17 ~~1201 et seq.~~

18 (2) "Disabled veteran business" means a business:

19 (A) ~~Not less than 51% of which such business is owned by one or more~~
20 ~~disabled veterans or, in the case of a publicly owned business, not less than~~
21 ~~51% of the stock of which such business is owned by one or more disabled~~
22 ~~veterans; and~~

23 (B) ~~the management and daily business operations of which such~~
24 ~~business are controlled by one or more disabled veterans.~~

25 Sec. 9. K.S.A. 73-1222 is hereby amended to read as follows: 73-
26 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments
27 thereto, unless the context clearly indicates otherwise:

28 (a) "Birth defect" means any physical or mental abnormality or
29 condition, including any susceptibility to any illness or condition other
30 than normal childhood illnesses or conditions.

31 (b) "Board" means the Persian Gulf War veterans health initiative
32 board established by K.S.A. 73-1223, and amendments thereto.

33 (c) "Director" means the director of the Kansas commission on
34 veterans affairs office.

35 (d) "Gulf War syndrome" means the wide range of physical and
36 mental conditions, problems and illnesses that are connected with service
37 in the armed forces of the United States during and in the area of
38 operations of the Persian Gulf War.

39 (e) "Veteran" means a person who is a resident of Kansas who ~~was a~~
40 ~~member of the armed forces of the United States of America served in the~~
41 ~~active military, naval or air service and who served in such armed forces~~
42 ~~performed active service in the area of operations of the Persian Gulf War~~
43 ~~during the Persian Gulf War or thereafter regardless of whether such~~

1 person is still actively serving in the armed forces or reserve.

2 Sec. 10. K.S.A. 73-1239 is hereby amended to read as follows: 73-
3 1239. The Vietnam war era medallion, medal and a certificate shall be
4 awarded regardless of whether or not such veteran served within the
5 United States or in a foreign country. The medallion, medal and the
6 certificate shall be awarded regardless of whether or not such veteran was
7 under eighteen years of age at the time of ~~enlistment~~ *entry to active*
8 *service*. For purposes of this ~~bill section~~, "veteran" means ~~any~~ *a person*
9 ~~defined as a veteran by the United States department of veterans' affairs or~~
10 ~~its successor agency who served in the active military, naval, air or space~~
11 ~~service and who was discharged under conditions other than~~
12 ~~dishonorable~~. The director of the Kansas commission on veterans affairs
13 office shall administer the program and shall adopt all rules and
14 regulations necessary to administer the program. The agency shall
15 determine as expeditiously as possible the persons who are entitled to a
16 Vietnam war era medallion, medal and a certificate and distribute the
17 medallions, medals and the certificates. Applications for the Vietnam war
18 era medallion, medal and the certificate shall be filed with the director of
19 the Kansas commission on veterans affairs office at any time after January
20 1, 2010, on forms prescribed and furnished by the director of the Kansas
21 commission on veterans affairs office. The deputy director of veteran
22 services shall approve all applications that are in order, and shall cause a
23 Vietnam war era medallion, medal and a certificate to be prepared for each
24 approved veteran in the form approved by the director of the Kansas
25 commission on veterans affairs office. The deputy director of veteran
26 services shall review applications for the Vietnam war era medallion,
27 medal and a certificate to ensure recipients are enrolled for eligible federal
28 benefits.

29 Sec. 11. K.S.A. 2023 Supp. 75-3740 is hereby amended to read as
30 follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and
31 amendments thereto, and subsections (b) and (k), all contracts and
32 purchases made by or under the supervision of the director of purchases or
33 any state agency for which competitive bids are required shall be awarded
34 to the lowest responsible bidder, taking into consideration conformity with
35 the specifications, terms of delivery, and other conditions imposed in the
36 call for bids.

37 (b) A contract shall be awarded to a certified business or disabled
38 veteran business which is also a responsible bidder, whose total bid cost is
39 not more than 10% higher than the lowest competitive bid. Such contract
40 shall contain a promise by the certified business that the percentage of
41 employees that are individuals with disabilities will be maintained
42 throughout the contract term and a condition that the certified business
43 shall not subcontract for goods or services in an aggregate amount of more

1 than 25% of the total bid cost.

2 (c) The director of purchases shall have power to decide as to the
3 lowest responsible bidder for all purchases, but if:

4 (1) (A) A responsible bidder purchases from a qualified vendor goods
5 or services on the list certified by the director of purchases pursuant to
6 K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of
7 such purchases made during the previous fiscal year shall be deducted
8 from the original bid received from such bidder for the purpose of
9 determining the lowest responsible bid, except that such deduction shall
10 not exceed 10% of the original bid received from such bidder; or

11 (B) a responsible bidder purchases from a certified business the dollar
12 amount of such purchases made during the previous fiscal year shall be
13 deducted from the original bid received from such bidder for the purpose
14 of determining the lowest responsible bid, except that such deduction shall
15 not exceed 10% of the original bid received from such bidder;

16 (2) the dollar amount of the bid received from the lowest responsible
17 bidder from within the state is identical to the dollar amount of the bid
18 received from the lowest responsible bidder from without the state, the
19 contract shall be awarded to the bidder from within the state; and

20 (3) in the case of bids for paper products specified in K.S.A. 75-
21 3740b, and amendments thereto, the dollar amounts of the bids received
22 from two or more lowest responsible bidders are identical, the contract
23 shall be awarded to the bidder whose bid is for those paper products
24 containing the highest percentage of recycled materials.

25 (d) (1) Any or all bids may be rejected, and a bid shall be rejected if it
26 contains any material alteration or erasure made after the bid is opened.
27 The director of purchases may reject the bid of any bidder who is in
28 arrears on taxes due the state, who is not properly registered to collect and
29 remit taxes due the state or who has failed to perform satisfactorily on a
30 previous contract with the state. The secretary of revenue is hereby
31 authorized to exchange such information with the director of purchases as
32 is necessary to effectuate the preceding sentence notwithstanding any other
33 provision of law prohibiting disclosure of the contents of taxpayer records
34 or information. Prior to determining the lowest responsible bidder on
35 contracts for construction of buildings or for major repairs or
36 improvements to buildings for state agencies, the director of purchases
37 shall consider the:

38 (A) Criteria and information developed by the secretary of
39 administration, with the advice of the state building advisory commission
40 to rate contractors on the basis of their performance under similar contracts
41 with the state, local governmental entities and private entities, in addition
42 to other criteria and information available; and

43 (B) recommendations of the project architect, or, if there is no project

1 architect, the recommendations of the secretary of administration or the
2 agency architect for the project as provided in K.S.A. 75-1254, and
3 amendments thereto.

4 (2) In any case where competitive bids are required and where all
5 bids are rejected, new bids shall be called for as in the first instance, unless
6 otherwise expressly provided by law or the state agency elects not to
7 proceed with the procurement.

8 (e) Before the awarding of any contract for construction of a building
9 or the making of repairs or improvements upon any building for a state
10 agency, the director of purchases shall receive written approval from the
11 state agency for which the building construction project has been
12 approved, that the bids generally conform with the plans and specifications
13 prepared by the project architect, by the secretary of administration or by
14 the agency architect for the project, as the case may be, so as to avoid error
15 and mistake on the part of the contractors. In all cases where material
16 described in a contract can be obtained from any state institution, the
17 director of purchases shall exclude the same from the contract.

18 (f) All bids with the names of the bidders and the amounts thereof,
19 together with all documents pertaining to the award of a contract, shall be
20 made a part of a file or record and retained by the director of purchases for
21 five years, unless reproduced as provided in K.S.A. 75-3737, and
22 amendments thereto, and shall be open to public inspection at all
23 reasonable times.

24 (g) As used in this section:

25 (1) "Certified business" means any business certified as provided by
26 subsection (l) by the department of administration that is a sole
27 proprietorship, partnership, association or corporation domiciled in
28 Kansas, or any corporation, even if a wholly owned subsidiary of a foreign
29 corporation, that:

30 (A) Does business primarily in Kansas or substantially all of its
31 production in Kansas;

32 (B) employs at least 10% of its employees who are individuals with
33 disabilities and reside in Kansas;

34 (C) offers to contribute at least 75% of the premium cost for
35 individual health insurance coverage for each employee. The department
36 of administration shall require a certification of these facts as a condition
37 to the certified business being awarded a contract pursuant to subsection
38 (b); and

39 (D) does not employ individuals under a certificate issued by the
40 United States secretary of labor under 29 U.S.C. § 214(c);

41 (2) "individuals with disabilities" or "individual with a disability"
42 means any individual who:

43 (A) Is certified by the Kansas department for aging and disability

1 services or by the Kansas department for children and families which
2 administers the rehabilitation services program as having a physical or
3 mental impairment that constitutes a substantial barrier to employment;

4 (B) works a minimum number of hours per week for a certified
5 business necessary to qualify for health insurance coverage offered
6 pursuant to subsection (g)(1); and

7 (C) (i) is receiving services, has received services or is eligible to
8 receive services under a home and community based services program, as
9 defined by K.S.A. 39-7,100, and amendments thereto;

10 (ii) is employed by a charitable organization domiciled in the state of
11 Kansas and exempt from federal income taxation pursuant to section
12 501(c)(3) of the federal internal revenue code of 1986, as amended; or

13 (iii) is an individual with a disability pursuant to the disability
14 standards established by the social security administration as determined
15 by the Kansas disability determination services under the Kansas
16 department for children and families;

17 (3) "physical or mental impairment" means:

18 (A) Any physiological disorder or condition, cosmetic disfigurement
19 or anatomical loss substantially affecting one or more of the following
20 body systems:

21 (i) Neurological;

22 (ii) musculoskeletal;

23 (iii) special sense organs;

24 (iv) respiratory, including speech organs;

25 (v) cardiovascular;

26 (vi) reproductive;

27 (vii) digestive;

28 (viii) genitourinary;

29 (ix) hemic and lymphatic;

30 (x) skin; or

31 (xi) endocrine; or

32 (B) any mental or psychological disorder, such as intellectual
33 disability, organic brain syndrome, mental illness and specific learning
34 disabilities. The term "physical or mental impairment" includes, but is not
35 limited to, orthopedic, visual, language and hearing disorders, cerebral
36 palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual
37 disability; ~~and~~

38 (4) "project architect" means the same as defined in K.S.A. 75-1251,
39 and amendments thereto;

40 (5) "disabled veteran" means a person ~~verified by the Kansas~~
41 ~~commission on veterans affairs office to have served in the armed forces of~~
42 ~~the United States and who is entitled to compensation for a service-~~
43 ~~connected disability, according to the laws administered by the United~~

1 ~~States department of veterans affairs, or who is entitled to compensation~~
2 ~~for the loss, or permanent loss of use, of one or both feet or one or both~~
3 ~~hands, or for permanent visual impairment of both eyes to a prescribed~~
4 ~~degree who:~~

5 (A) *Served in the active military, naval, air or space service and who*
6 *was discharged or released therefrom under conditions other than*
7 *dishonorable;*

8 (B) *received a disability that was incurred or aggravated in the line*
9 *of duty in the active military, naval, air or space service; and*

10 (C) *has a service-connected evaluation percentage equal to or*
11 *greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. §*
12 *1201 et seq; and*

13 (6) "disabled veteran business" means a business certified annually
14 by the department of administration that is a sole proprietorship,
15 partnership, association or corporation domiciled in Kansas, or any
16 corporation, even if a wholly owned subsidiary of a foreign corporation,
17 and is verified by the Kansas commission on veterans affairs office that:

18 (A) Not less than 51% *of such business* is owned by one or more
19 disabled veterans or, in the case of a publicly owned business, not less than
20 51% *of such business* of the stock is owned by one or more disabled
21 veterans;

22 (B) the management and daily business operations *of such business*
23 are controlled by one or more disabled veterans; and

24 (C) such business maintains the requirements of subparagraphs (A)
25 and (B) during the entire contract term.

26 (h) Any state agency authorized by the director of purchases to make
27 purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall
28 consider any unsolicited proposal for goods or services under this section.

29 (i) The secretary of administration and the secretary for aging and
30 disability services, jointly, shall adopt rules and regulations as necessary to
31 effectuate the purpose of this section.

32 (j) At the beginning of each regular session of the legislature, the
33 secretary of administration and the secretary for aging and disability
34 services shall submit to the social services budget committee of the house
35 of representatives and the appropriate subcommittee of the committee on
36 ways and means of the senate, a written report on the number of:

37 (1) Certified businesses certified by the department of administration
38 during the previous fiscal year;

39 (2) certified businesses awarded contracts pursuant to subsection (b)
40 during the previous fiscal year;

41 (3) contracts awarded pursuant to subsection (b) to each certified
42 business during the previous fiscal year;

43 (4) individuals with disabilities removed from, reinstated to or not

1 reinstated to home and community based services or other medicaid
2 program services during the previous fiscal year as a result of employment
3 with a certified business;

4 (5) individuals employed by each certified business during the
5 previous fiscal year; and

6 (6) individuals with disabilities employed by each certified business
7 during the previous fiscal year.

8 (k) When a state agency is receiving bids to purchase passenger
9 motor vehicles, such agency shall follow the procedures prescribed in
10 subsection (c)(2), except in the case where one of the responsible bidders
11 offers motor vehicles that are assembled in Kansas. In such a case, 3% of
12 the bid of the responsible bidder that offers motor vehicles assembled in
13 Kansas shall be subtracted from the bid amount, and that amount shall be
14 used to determine the lowest bid pursuant to subsection (c)(2). This
15 subsection shall only apply to bids that match the exact motor vehicle
16 specifications of the agency purchasing passenger motor vehicles.

17 (l) The secretary of administration shall certify that a business meets
18 the requirements for a certified business as defined in subsection (g), and
19 shall recertify such business as having met such requirements every three
20 years thereafter.

21 Sec. 12. K.S.A. 2023 Supp. 79-4502 is hereby amended to read as
22 follows: 79-4502. As used in this act, unless the context clearly indicates
23 otherwise:

24 (a) "Income" means the sum of adjusted gross income under the
25 Kansas income tax act effective for tax year 2013 and thereafter without
26 regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through
27 (xxiii) and (c)(xx), and amendments thereto, maintenance, support money,
28 cash public assistance and relief, not including any refund granted under
29 this act, the gross amount of any pension or annuity, including all
30 monetary retirement benefits from whatever source derived, including but
31 not limited to, all payments received under the railroad retirement act,
32 except disability payments, payments received under the federal social
33 security act, except that for determination of what constitutes income such
34 amount shall not exceed 50% of any such social security payments and
35 shall not include any social security payments to a claimant who prior to
36 attaining full retirement age had been receiving disability payments under
37 the federal social security act in an amount not to exceed the amount of
38 such disability payments or 50% of any such social security payments,
39 whichever is greater, all dividends and interest from whatever source
40 derived not included in adjusted gross income, workers compensation and
41 the gross amount of "loss of time" insurance. Income does not include gifts
42 from nongovernmental sources or surplus food or other relief in kind
43 supplied by a governmental agency, nor shall net operating losses and net

1 capital losses be considered in the determination of income. Income does
2 not include veterans disability ~~pensions~~ *compensation*. Income does not
3 include disability payments received under the federal social security act.

4 (b) "Household" means a claimant, a claimant and spouse who
5 occupy the homestead or a claimant and one or more individuals not
6 related as husband and wife who together occupy a homestead.

7 (c) "Household income" means all income received by all persons of
8 a household in a calendar year while members of such household.

9 (d) "Homestead" means the dwelling, or any part thereof, owned and
10 occupied as a residence by the household and so much of the land
11 surrounding it, as defined as a home site for ad valorem tax purposes, and
12 may consist of a part of a multi-dwelling or multi-purpose building and a
13 part of the land upon which it is built or a manufactured home or mobile
14 home and the land upon which it is situated. "Owned" includes a vendee in
15 possession under a land contract, a life tenant, a beneficiary under a trust
16 and one or more joint tenants or tenants in common.

17 (e) "Claimant" means a person who has filed a claim under the
18 provisions of this act and was, during the entire calendar year preceding
19 the year in which such claim was filed for refund under this act, except as
20 provided in K.S.A. 79-4503, and amendments thereto, both domiciled in
21 this state and was:

22 (1) For purposes of a claim under K.S.A. 79-4508, and amendments
23 thereto:

24 (A) A person having a disability;

25 (B) a person who is 55 years of age or older;

26 (C) a disabled veteran;

27 (D) the surviving spouse of ~~active-duty military personnel~~ *a deceased*
28 *member of the armed forces* who died in the line of duty *during a period*
29 *of active service*; or

30 (E) a person other than a person included under subparagraph (A),
31 (B), (C) or (D) having one or more dependent children under 18 years of
32 age residing at the person's homestead during the calendar year
33 immediately preceding the year in which a claim is filed under this act; or

34 (2) for purposes of a claim under K.S.A. 2023 Supp. 79-4508a, and
35 amendments thereto:

36 (A) A person who is 65 years of age or older; or

37 (B) a disabled veteran.

38 The surviving spouse of a disabled veteran who was receiving benefits
39 pursuant to subsection (e)(1)(C) at the time of the veterans' death, shall be
40 eligible to continue to receive benefits until such time the surviving spouse
41 remarries.

42 When a homestead is occupied by two or more individuals and more
43 than one of the individuals is able to qualify as a claimant, the individuals

1 may determine between them as to whom the claimant will be. If they are
2 unable to agree, the matter shall be referred to the secretary of revenue
3 whose decision shall be final.

4 (f) "Property taxes accrued" means property taxes, exclusive of
5 special assessments, delinquent interest and charges for service, levied on
6 a claimant's homestead in 1979 or any calendar year thereafter by the state
7 of Kansas and the political and taxing subdivisions of the state. When a
8 homestead is owned by two or more persons or entities as joint tenants or
9 tenants in common and one or more of the persons or entities is not a
10 member of claimant's household, "property taxes accrued" is that part of
11 property taxes levied on the homestead that reflects the ownership
12 percentage of the claimant's household. For purposes of this act, property
13 taxes are "levied" when the tax roll is delivered to the local treasurer with
14 the treasurer's warrant for collection. When a claimant and household own
15 their homestead part of a calendar year, "property taxes accrued" means
16 only taxes levied on the homestead when both owned and occupied as a
17 homestead by the claimant's household at the time of the levy, multiplied
18 by the percentage of 12 months that the property was owned and occupied
19 by the household as its homestead in the year. When a household owns and
20 occupies two or more different homesteads in the same calendar year,
21 property taxes accrued shall be the sum of the taxes allocable to those
22 several properties while occupied by the household as its homestead
23 during the year. Whenever a homestead is an integral part of a larger unit
24 such as a multi-purpose or multi-dwelling building, property taxes accrued
25 shall be that percentage of the total property taxes accrued as the value of
26 the homestead is of the total value. For the purpose of this act, the word
27 "unit" refers to that parcel of property covered by a single tax statement of
28 which the homestead is a part.

29 (g) "Disability" means:

30 (1) Inability to engage in any substantial gainful activity by reason of
31 any medically determinable physical or mental impairment which can be
32 expected to result in death or has lasted or can be expected to last for a
33 continuous period of not less than 12 months, and an individual shall be
34 determined to be under a disability only if the physical or mental
35 impairment or impairments are of such severity that the individual is not
36 only unable to do the individual's previous work but cannot, considering
37 age, education and work experience, engage in any other kind of
38 substantial gainful work which exists in the national economy, regardless
39 of whether such work exists in the immediate area in which the individual
40 lives or whether a specific job vacancy exists for the individual, or whether
41 the individual would be hired if application was made for work. For
42 purposes of the preceding sentence (with respect to any individual), "work
43 which exists in the national economy" means work which exists in

1 significant numbers either in the region where the individual lives or in
2 several regions of the country; for purposes of this subsection, a "physical
3 or mental impairment" is an impairment that results from anatomical,
4 physiological or psychological abnormalities which are demonstrable by
5 medically acceptable clinical and laboratory diagnostic techniques; or

6 (2) blindness and inability by reason of blindness to engage in
7 substantial gainful activity requiring skills or abilities comparable to those
8 of any gainful activity in which the individual has previously engaged with
9 some regularity and over a substantial period of time.

10 (h) "Blindness" means central visual acuity of $^{20}/_{200}$ or less in the
11 better eye with the use of a correcting lens. An eye which is accompanied
12 by a limitation in the fields of vision such that the widest diameter of the
13 visual field subtends an angle no greater than 20 degrees shall be
14 considered for the purpose of this paragraph as having a central visual
15 acuity of $^{20}/_{200}$ or less.

16 (i) "Disabled veteran" means a person who is a resident of Kansas
17 ~~and has been honorably discharged from active service in any branch of~~
18 ~~the armed forces of the United States or Kansas national guard and who~~
19 ~~has been certified by the United States department of veterans affairs or its~~
20 ~~successor to have a 50% or greater permanent disability sustained through~~
21 ~~military action or accident or resulting from disease contracted while in~~
22 ~~such active service who:~~

23 (1) *Served in the active military, naval, air or space service and who*
24 *was discharged or released therefrom under conditions other than*
25 *dishonorable;*

26 (2) *received a disability that was incurred or aggravated in the line*
27 *of duty in the active military, naval, air or space service; and*

28 (3) *has a service-connected evaluation percentage equal to or greater*
29 *than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

30 Sec. 13. K.S.A. 8-160, 8-243, 8-1324, 73-201, 73-230, 73-1222 and
31 73-1239 and K.S.A. 2023 Supp. 32-934, 48-3601, 50-676, 75-3740 and
32 79-4502 are hereby repealed.

33 Sec. 14. This act shall take effect and be in force from and after its
34 publication in the statute book.