

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2024

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 {an} honorable conditions {discharge or a general~~
19 **discharge under honorable conditions};**

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

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

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

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

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

35 (c) Any person who is deaf or hard of hearing may request that the
36 division issue to such person a driver's license which is readily
37 distinguishable from drivers' licenses issued to other drivers and upon such
38 request the division shall issue such license. Drivers' licenses issued to
39 persons who are deaf or hard of hearing and under the age of 21 years shall
40 be readily distinguishable from drivers' licenses issued to persons who are
41 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
42 subsection (a), the division shall issue a receipt of application permitting
43 the operation of a vehicle consistent with the requested class, if there are

1 no other restrictions or limitations, pending the division's verification of
2 the information and production of a driver's license.

3 (d) A driver's license issued to a person required to be registered
4 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a
5 distinguishing number by the division which will readily indicate to law
6 enforcement officers that such person is a registered offender. The division
7 shall develop a numbering system to implement the provisions of this
8 subsection.

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

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

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

23 (B) ~~has been separated from the branch of service in which the person~~
24 ~~was honorably discharged or received a general discharge under honorable~~
25 ~~conditions served in the active military, naval, air or space service and~~
26 ~~who was discharged or released therefrom under conditions other than~~
27 ~~dishonorable {an} honorable conditions {discharge or a general~~
28 **discharge under honorable conditions}.**

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

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

37 (2) Satisfactory proof that a person needs assistance with cognition
38 shall include a statement from a person licensed to practice the healing arts
39 in any state, an advanced practice registered nurse licensed under K.S.A.
40 65-1131, and amendments thereto, a licensed physician assistant or a
41 person clinically licensed by the Kansas behavioral sciences regulatory
42 board certifying that such person needs assistance with cognition.

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

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

4 (b) (1) Each application for an identification card shall include a
5 question asking if the applicant is willing to give such applicant's
6 authorization to be listed as an organ, eye and tissue donor in the Kansas
7 donor registry in accordance with the revised uniform anatomical gift act,
8 K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would
9 become effective upon the death of the donor.

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

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

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

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

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

43 ~~(D)~~(4) a temporary identification card issued pursuant to this

1 subparagraph may be renewed, subject at the time of renewal, to the same
2 requirements and conditions set forth in this subsection for the issuance of
3 the original temporary identification card.

4 (d) The division shall not issue an identification card to any person
5 who holds a current valid Kansas driver's license unless such driver's
6 license has been physically surrendered pursuant to the provisions of
7 K.S.A. 8-1002(e), and amendments thereto.

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

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

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

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

26 (A) Swear under oath that such person desires an identification card
27 in order to vote in an election in Kansas and that such person does not
28 possess any of the forms of identification acceptable under K.S.A. 25-
29 2908, and amendments thereto. The affidavit shall specifically list the
30 acceptable forms of identification under K.S.A. 25-2908, and amendments
31 thereto; and

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

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

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

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

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

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

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

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

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

3 (j) The division shall require that any person applying for an
4 identification card submit to a mandatory facial image capture. The
5 captured facial image shall be displayed on the front of the applicant's
6 identification card by either:

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

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

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

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

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

23 (B) ~~has been separated from the branch of service in which the person~~
24 ~~was honorably discharged or received a general discharge under honorable~~
25 ~~conditions served in the active military, naval, air or space service and~~
26 ~~who was discharged or released therefrom under conditions other than-~~
27 ~~dishonorable {an} honorable—conditions {discharge or a general~~
28 **discharge under honorable conditions}.**

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

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

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

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

42 (2) a laser engraved photograph of the cardholder, and a facsimile of
43 the signature of the cardholder. An identification card which does not

1 contain the address of principal residence of the cardholder as required
2 may be issued to persons who are program participants pursuant to K.S.A.
3 75-455, and amendments thereto.

4 (n) An identification card issued to any person who indicated on the
5 application that the person wished to make an anatomical gift in
6 accordance with the revised uniform anatomical gift act, K.S.A. 65-3220
7 through 65-3244, and amendments thereto, shall have the word "Donor"
8 placed on the front of the applicant's identification card.

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

16 (2) Satisfactory proof that a person needs assistance with cognition
17 shall include a statement from a person licensed to practice the healing arts
18 in any state, an advanced practice registered nurse licensed under K.S.A.
19 65-1131, and amendments thereto, a licensed physician assistant or a
20 person clinically licensed by the Kansas behavioral sciences regulatory
21 board certifying that such person needs assistance with cognition.

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

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

42 Sec. 4. K.S.A. 2023 Supp. 32-934 is hereby amended to read as
43 follows: 32-934. (a) Subject to the provisions of K.S.A. 32-920, and

1 amendments thereto, the secretary of wildlife and parks or the secretary's
2 designee shall issue, free of charge, a permanent license to hunt and fish to
3 any person residing in the state who submits to the secretary satisfactory
4 proof that the person is a disabled veteran. Any such person hunting or
5 fishing in this state shall be subject to the provisions of all rules and
6 regulations relating to hunting or fishing.

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

8 ~~(1) Was a member of the armed services Served in the active~~
9 ~~military, naval, air or space service and who was discharged or released~~
10 ~~therefrom under conditions other than dishonorable {an} honorable~~
11 ~~conditions {discharge or a general discharge under honorable~~
12 ~~conditions};~~

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

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

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

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

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

33 (B) lives in the state while attending the postsecondary educational
34 institution; and

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

38 (2) (A) is a veteran;

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

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

43 (3) (A) is the spouse or dependent of a veteran who was stationed in

1 Kansas for at least 11 months during such veteran's *period of active* service
2 in the armed forces or had established residency in Kansas prior to *active*
3 service in the armed forces; and

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

5 (c) As used in this section:

6 (1) "Armed forces" means the army, navy, marine corps, air force,
7 *space force*, coast guard, Kansas army or air national guard or any ~~branch~~
8 *component* of the military reserves of the United States;

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

11 (3) "veteran" means a person who ~~has been separated from the armed~~
12 ~~forces and was honorably discharged or received a general discharge under~~
13 ~~honorable conditions served in the active military, naval, air or space~~
14 ~~service and who was discharged or released therefrom under conditions~~
15 ~~other than dishonorable {an} honorable conditions {discharge or a~~
16 **general discharge under honorable conditions}**.

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

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

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

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

26 (c) "Immediate family member" means parent, child, stepchild or
27 spouse.

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

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

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

37 (1) Any physiological disorder or condition, cosmetic disfigurement
38 or anatomical loss substantially affecting one or more of the following
39 body systems:

40 (A) Neurological;

41 (B) musculoskeletal;

42 (C) special sense organs;

43 (D) respiratory, including speech organs;

- 1 (E) cardiovascular;
- 2 (F) reproductive;
- 3 (G) digestive;
- 4 (H) genitourinary;
- 5 (I) hemic and lymphatic;
- 6 (J) skin; or
- 7 (K) endocrine; or

8 (2) any mental or psychological disorder, such as intellectual
9 disability, organic brain syndrome, emotional or mental illness and specific
10 learning disabilities.

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

15 (g) "Protected consumer" means:

- 16 (1) An elder person;
- 17 (2) a disabled person;
- 18 (3) a veteran;
- 19 (4) the surviving spouse of a veteran;
- 20 (5) a member of the ~~military~~ *armed forces*; and
- 21 (6) an immediate family member of a member of the ~~military~~ *armed*
22 *forces*.

23 (h) "Substantially limits" means:

- 24 (1) Unable to perform a major life activity that the average person in
25 the general population can perform; or
- 26 (2) significantly restricted as to the condition, manner or duration
27 under which an individual can perform a particular major life activity as
28 compared to the condition, manner or duration under which the average
29 person in the general population can perform that same major life activity.
30 Minor temporary ailments or injuries shall not be considered physical or
31 mental impairments that substantially limit a person's major life activities.
32 Minor temporary ailments include, but are not limited to, colds, influenza
33 or sprains or minor injuries.

34 (i) "Veteran" means a person who ~~has served in the armed forces of~~
35 ~~the United States and separated from the armed forces under honorable~~
36 ~~conditions active military, naval, air or space service and who was~~
37 ~~discharged or released therefrom under conditions other than~~
38 ~~dishonorable~~ **{an} honorable conditions {discharge or a general**
39 **discharge under honorable conditions}**.

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

41 (a) As used in this act:

42 (1) "Veteran" means:

- 43 (A) ~~Any person who entered the armed forces before October 15,~~

1 1976, and separated from the armed forces under honorable conditions, if
 2 such person served:

3 (i) ~~On active duty during any war (the official dates for war service are~~
 4 ~~April 6, 1917 through July 2, 1921, and December 7, 1941 through April~~
 5 ~~28, 1952);~~

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

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

9 (iv) ~~for more than 180 consecutive days since January 31, 1955, but~~
 10 ~~before October 15, 1976, excluding an initial period of active duty for~~
 11 ~~training under the "six-month" reserve or national guard program;~~

12 (B) ~~any person who entered the armed forces on or after October 15,~~
 13 ~~1976, and separated from the armed forces under honorable conditions, if~~
 14 ~~such person was awarded a service medal or campaign badge~~ *A person*
 15 *who served in the active military, naval, air or space service and who was*
 16 *discharged or released therefrom under conditions other than*
 17 *dishonorable {an} honorable conditions {discharge or a general*
 18 *discharge under honorable conditions};*

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

24 (1) *Served in the active military, naval, air or space service and who*
 25 *was discharged therefrom under conditions other than dishonorable {an}*
 26 *honorable conditions {discharge or a general discharge under*
 27 *honorable conditions};*

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

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

33 (D)(C) ~~the spouse of a service-connected disabled veteran who has a~~
 34 ~~100% service connected disability as determined by the United States~~
 35 ~~department of veteran affairs with a permanent and total combined~~
 36 ~~service-connected evaluation percentage of 100%;~~

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

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

42 ~~Notwithstanding the foregoing, the term "Veteran" shall preference in~~
 43 ~~government employment shall not apply to any person who retired from~~

1 the active military *service* with the pay grade of 04 or above unless the
2 person retired due to wounds received in combat or is a disabled veteran
3 *with a service-connected disability evaluation rating equal to or greater*
4 *than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

5 (2) "Competent" means a good faith determination that the person is
6 likely to successfully meet the performance standards of the position based
7 on what a reasonable person knowledgeable in the operation of the
8 position would conclude from all information available at the time the
9 ~~decision~~ *determination* is made. The basis for such determination shall
10 include experience, training, education, licensure, certification ~~and/or~~ *or*
11 other factors determined by the decision-making authority as appropriate
12 to determine the applicant's overall qualification and ability to successfully
13 meet the performance standards of the position. The decision-making
14 authority shall document such factors prior to the initiation of the selection
15 process.

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

17 ~~(A) Served on in the active duty in the armed forces, has been~~
18 ~~separated therefrom under honorable conditions, and has established the~~
19 ~~present existence of a service-connected disability or is receiving~~
20 ~~compensation, disability retirement benefits, or pension because of a~~
21 ~~public statute administered by the department of veterans affairs or a~~
22 ~~military department military, naval, air or space service and was~~
23 ~~discharged or released therefrom under conditions other than~~
24 ~~dishonorable {an} honorable conditions {discharge or a general~~
25 **discharge under honorable conditions};**

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

30 (b) In grateful recognition of the services, sacrifices and sufferings of
31 veterans who served in the army, navy, air force, coast guard or marine
32 corps of the United States in world war I and world war II, and of persons
33 who have served with the armed forces of the United States during the
34 military, naval and air operations in Korea, ~~Viet Nam~~ *Vietnam*, Iraq,
35 Afghanistan or other places under the flags of the United States and the
36 United Nations or under the flag of the United States alone, and have been
37 honorably discharged therefrom, the provisions of this section are enacted.

38 (c) Veterans shall be preferred for initial employment and first
39 promotion in the state government of Kansas, and in the counties and cities
40 of this state, if competent to perform such services. Any veteran thus
41 preferred shall not be disqualified from holding any position in such
42 service on account of the veteran's age or by reason of any physical or
43 mental disability as long as such age or disability does not render the

1 veteran incompetent to perform the duties of the position applied for.
 2 When any veteran shall apply for appointment to any such position, place,
 3 or employment, the officer, board or person whose duty it is or may be to
 4 appoint a person to fill such *position, place or employment* shall, if the
 5 applicant be a veteran of good reputation, and can competently perform
 6 the duties of the position applied for by the veteran, consider the veteran
 7 for appointment to such position, place, or employment. Within 30 days of
 8 filling a position, eligible veterans who have applied and are not hired
 9 shall be notified by certified mail or personal service that they are not
 10 being hired. Such notice also shall advise the veteran of any administrative
 11 appeal available.

12 (d) The provisions of this act shall not be applicable to any persons
 13 classed as conscientious objectors. The provisions of this act shall not be
 14 controlling over the provisions of any statute, county resolution or city
 15 ordinance relating to retirement; or termination on the basis of age, of
 16 employees of the state or any county or city. Whenever under any statute,
 17 county resolution or city ordinance, retirement; or termination on the basis
 18 of age; of any employee is required at a certain age; or is optional with the
 19 employer at a certain age, ~~such provisions of~~ such statute, resolution or
 20 ordinance shall be controlling and shall not be limited by this section.

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

- 26 (1)(A) The qualifications for such position;
- 27 (2)(B) any preferred qualifications of such position;
- 28 (3)(C) performance standards for the position; and
- 29 (4)(D) the process that will be used for selection.

30 (2) A veteran, ~~or a veteran's spouse or surviving spouse~~ who qualifies
 31 for the veteran's preference, desiring to use a veteran's preference shall
 32 provide the hiring authority with a copy of the veteran's ~~DD214 form or~~
 33 ~~the DD214 form of the veteran~~ *DD form 214, DD form 1300, NGB form*
 34 *22 or other official discharge document recognized by the department of*
 35 *veterans affairs* under which the spouse qualifies for the preference.

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

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

1 court.

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

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

10 (b) ~~On or before October 1, 2015, the secretary of administration~~
11 ~~shall file with the Kansas commission on veterans affairs a report of the~~
12 ~~number of contracts awarded to disabled veteran businesses during the~~
13 ~~fiscal year ending June 30, 2015, and the number of such businesses that~~
14 ~~responded to solicitations of bids or proposals issued by the department of~~
15 ~~administration during such fiscal year.~~

16 (c) As used in this section:

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

18 (A) ~~Served in the armed forces of the United States and who is~~
19 ~~entitled to compensation for a service-connected disability, according to~~
20 ~~the laws administered by the veterans administration, or who is entitled to~~
21 ~~compensation for the loss, or permanent loss of use, of one or both feet or~~
22 ~~one or both hands, or for permanent visual impairment of both eyes to a~~
23 ~~prescribed degree active military, naval, air or space service and who was~~
24 ~~discharged or released therefrom under conditions other than~~
25 ~~dishonorable {an} honorable conditions {discharge or a general~~
26 **discharge under honorable conditions};**

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

29 (C) *has a service-connected evaluation percentage equal to or*
30 *greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. §*
31 *1201 et seq.*

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

33 (A) Not less than 51% of ~~which~~ *such business* is owned by one or more
34 disabled veterans or, in the case of a publicly owned business, not less than
35 51% of the stock of ~~which~~ *such business* is owned by one or more disabled
36 veterans; and

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

39 Sec. 9. K.S.A. 73-1222 is hereby amended to read as follows: 73-
40 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments
41 thereto, unless the context clearly indicates otherwise:

42 (a) "Birth defect" means any physical or mental abnormality or
43 condition, including any susceptibility to any illness or condition other

1 than normal childhood illnesses or conditions.

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

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

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

10 (e) "Veteran" means a person who is a resident of Kansas who ~~was a~~
11 ~~member of the armed forces of the United States of America served in the~~
12 ~~active military, naval or air service and who served in such armed forces~~
13 ~~performed active service~~ in the area of operations of the Persian Gulf War
14 during the Persian Gulf War or thereafter regardless of whether such
15 person is still actively serving in the armed forces or reserve.

16 Sec. 10. K.S.A. 73-1239 is hereby amended to read as follows: 73-
17 1239. The Vietnam war era medallion, medal and a certificate shall be
18 awarded regardless of whether or not such veteran served within the
19 United States or in a foreign country. The medallion, medal and the
20 certificate shall be awarded regardless of whether or not such veteran was
21 under eighteen years of age at the time of ~~enlistment~~ *entry to active*
22 *service*. For purposes of this ~~bill~~ *section*, "veteran" means ~~any~~ a person
23 ~~defined as a veteran by the United States department of veterans' affairs or~~
24 ~~its successor agency who served in the active military, naval, air or space~~
25 ~~service and who was discharged under conditions other than dishonorable~~
26 **{an} honorable conditions {discharge or a general discharge under**
27 **honorable conditions}**. The director of the Kansas commission on
28 veterans affairs office shall administer the program and shall adopt all
29 rules and regulations necessary to administer the program. The agency
30 shall determine as expeditiously as possible the persons who are entitled to
31 a Vietnam war era medallion, medal and a certificate and distribute the
32 medallions, medals and the certificates. Applications for the Vietnam war
33 era medallion, medal and the certificate shall be filed with the director of
34 the Kansas commission on veterans affairs office at any time after January
35 1, 2010, on forms prescribed and furnished by the director of the Kansas
36 commission on veterans affairs office. The deputy director of veteran
37 services shall approve all applications that are in order, and shall cause a
38 Vietnam war era medallion, medal and a certificate to be prepared for each
39 approved veteran in the form approved by the director of the Kansas
40 commission on veterans affairs office. The deputy director of veteran
41 services shall review applications for the Vietnam war era medallion,
42 medal and a certificate to ensure recipients are enrolled for eligible federal
43 benefits.

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

9 (b) A contract shall be awarded to a certified business or disabled
10 veteran business which is also a responsible bidder, whose total bid cost is
11 not more than 10% higher than the lowest competitive bid. Such contract
12 shall contain a promise by the certified business that the percentage of
13 employees that are individuals with disabilities will be maintained
14 throughout the contract term and a condition that the certified business
15 shall not subcontract for goods or services in an aggregate amount of more
16 than 25% of the total bid cost.

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

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

26 (B) a responsible bidder purchases from a certified business the dollar
27 amount of such purchases made during the previous fiscal year shall be
28 deducted from the original bid received from such bidder for the purpose
29 of determining the lowest responsible bid, except that such deduction shall
30 not exceed 10% of the original bid received from such bidder;

31 (2) the dollar amount of the bid received from the lowest responsible
32 bidder from within the state is identical to the dollar amount of the bid
33 received from the lowest responsible bidder from without the state, the
34 contract shall be awarded to the bidder from within the state; and

35 (3) in the case of bids for paper products specified in K.S.A. 75-
36 3740b, and amendments thereto, the dollar amounts of the bids received
37 from two or more lowest responsible bidders are identical, the contract
38 shall be awarded to the bidder whose bid is for those paper products
39 containing the highest percentage of recycled materials.

40 (d) (1) Any or all bids may be rejected, and a bid shall be rejected if it
41 contains any material alteration or erasure made after the bid is opened.
42 The director of purchases may reject the bid of any bidder who is in
43 arrears on taxes due the state, who is not properly registered to collect and

1 remit taxes due the state or who has failed to perform satisfactorily on a
2 previous contract with the state. The secretary of revenue is hereby
3 authorized to exchange such information with the director of purchases as
4 is necessary to effectuate the preceding sentence notwithstanding any other
5 provision of law prohibiting disclosure of the contents of taxpayer records
6 or information. Prior to determining the lowest responsible bidder on
7 contracts for construction of buildings or for major repairs or
8 improvements to buildings for state agencies, the director of purchases
9 shall consider the:

10 (A) Criteria and information developed by the secretary of
11 administration, with the advice of the state building advisory commission
12 to rate contractors on the basis of their performance under similar contracts
13 with the state, local governmental entities and private entities, in addition
14 to other criteria and information available; and

15 (B) recommendations of the project architect, or, if there is no project
16 architect, the recommendations of the secretary of administration or the
17 agency architect for the project as provided in K.S.A. 75-1254, and
18 amendments thereto.

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

23 (e) Before the awarding of any contract for construction of a building
24 or the making of repairs or improvements upon any building for a state
25 agency, the director of purchases shall receive written approval from the
26 state agency for which the building construction project has been
27 approved, that the bids generally conform with the plans and specifications
28 prepared by the project architect, by the secretary of administration or by
29 the agency architect for the project, as the case may be, so as to avoid error
30 and mistake on the part of the contractors. In all cases where material
31 described in a contract can be obtained from any state institution, the
32 director of purchases shall exclude the same from the contract.

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

39 (g) As used in this section:

40 (1) "Certified business" means any business certified as provided by
41 subsection (1) by the department of administration that is a sole
42 proprietorship, partnership, association or corporation domiciled in
43 Kansas, or any corporation, even if a wholly owned subsidiary of a foreign

1 corporation, that:

2 (A) Does business primarily in Kansas or substantially all of its
3 production in Kansas;

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

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

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

13 (2) "individuals with disabilities" or "individual with a disability"
14 means any individual who:

15 (A) Is certified by the Kansas department for aging and disability
16 services or by the Kansas department for children and families which
17 administers the rehabilitation services program as having a physical or
18 mental impairment that constitutes a substantial barrier to employment;

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

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

25 (ii) is employed by a charitable organization domiciled in the state of
26 Kansas and exempt from federal income taxation pursuant to section
27 501(c)(3) of the federal internal revenue code of 1986, as amended; or

28 (iii) is an individual with a disability pursuant to the disability
29 standards established by the social security administration as determined
30 by the Kansas disability determination services under the Kansas
31 department for children and families;

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

33 (A) Any physiological disorder or condition, cosmetic disfigurement
34 or anatomical loss substantially affecting one or more of the following
35 body systems:

36 (i) Neurological;

37 (ii) musculoskeletal;

38 (iii) special sense organs;

39 (iv) respiratory, including speech organs;

40 (v) cardiovascular;

41 (vi) reproductive;

42 (vii) digestive;

43 (viii) genitourinary;

1 (ix) hemic and lymphatic;

2 (x) skin; or

3 (xi) endocrine; or

4 (B) any mental or psychological disorder, such as intellectual
5 disability, organic brain syndrome, mental illness and specific learning
6 disabilities. The term "physical or mental impairment" includes, but is not
7 limited to, orthopedic, visual, language and hearing disorders, cerebral
8 palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual
9 disability; ~~and~~

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

12 (5) "disabled veteran" means a person ~~verified by the Kansas~~
13 ~~commission on veterans affairs office to have served in the armed forces of~~
14 ~~the United States and who is entitled to compensation for a service-~~
15 ~~connected disability, according to the laws administered by the United~~
16 ~~States department of veterans affairs, or who is entitled to compensation~~
17 ~~for the loss, or permanent loss of use, of one or both feet or one or both~~
18 ~~hands, or for permanent visual impairment of both eyes to a prescribed~~
19 ~~degree who:~~

20 (A) *Served in the active military, naval, air or space service and who*
21 *was discharged or released therefrom under ~~conditions other than~~*
22 *~~dishonorable~~ {an} honorable ~~conditions~~ {discharge or a general*
23 *discharge under honorable conditions};*

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

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

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

34 (A) Not less than 51% *of such business* is owned by one or more
35 disabled veterans or, in the case of a publicly owned business, not less than
36 51% *of such business* of the stock is owned by one or more disabled
37 veterans;

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

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

42 (h) Any state agency authorized by the director of purchases to make
43 purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall

1 consider any unsolicited proposal for goods or services under this section.

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

5 (j) At the beginning of each regular session of the legislature, the
6 secretary of administration and the secretary for aging and disability
7 services shall submit to the social services budget committee of the house
8 of representatives and the appropriate subcommittee of the committee on
9 ways and means of the senate, a written report on the number of:

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

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

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

16 (4) individuals with disabilities removed from, reinstated to or not
17 reinstated to home and community based services or other medicaid
18 program services during the previous fiscal year as a result of employment
19 with a certified business;

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

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

24 (k) When a state agency is receiving bids to purchase passenger
25 motor vehicles, such agency shall follow the procedures prescribed in
26 subsection (c)(2), except in the case where one of the responsible bidders
27 offers motor vehicles that are assembled in Kansas. In such a case, 3% of
28 the bid of the responsible bidder that offers motor vehicles assembled in
29 Kansas shall be subtracted from the bid amount, and that amount shall be
30 used to determine the lowest bid pursuant to subsection (c)(2). This
31 subsection shall only apply to bids that match the exact motor vehicle
32 specifications of the agency purchasing passenger motor vehicles.

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

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

40 (a) "Income" means the sum of adjusted gross income under the
41 Kansas income tax act effective for tax year 2013 and thereafter without
42 regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through
43 (xxiii) and (c)(xx), and amendments thereto, maintenance, support money,

1 cash public assistance and relief, not including any refund granted under
2 this act, the gross amount of any pension or annuity, including all
3 monetary retirement benefits from whatever source derived, including but
4 not limited to, all payments received under the railroad retirement act,
5 except disability payments, payments received under the federal social
6 security act, except that for determination of what constitutes income such
7 amount shall not exceed 50% of any such social security payments and
8 shall not include any social security payments to a claimant who prior to
9 attaining full retirement age had been receiving disability payments under
10 the federal social security act in an amount not to exceed the amount of
11 such disability payments or 50% of any such social security payments,
12 whichever is greater, all dividends and interest from whatever source
13 derived not included in adjusted gross income, workers compensation and
14 the gross amount of "loss of time" insurance. Income does not include gifts
15 from nongovernmental sources or surplus food or other relief in kind
16 supplied by a governmental agency, nor shall net operating losses and net
17 capital losses be considered in the determination of income. Income does
18 not include veterans disability ~~pensions~~ *compensation*. Income does not
19 include disability payments received under the federal social security act.

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

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

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

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

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

40 (A) A person having a disability;

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

42 (C) a disabled veteran;

43 (D) the surviving spouse of ~~active-duty military personnel~~ *a deceased*

1 *member of the armed forces* who died in the line of duty *during a period*
2 *of active service*; or

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

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

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

10 (B) a disabled veteran.

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

15 When a homestead is occupied by two or more individuals and more
16 than one of the individuals is able to qualify as a claimant, the individuals
17 may determine between them as to whom the claimant will be. If they are
18 unable to agree, the matter shall be referred to the secretary of revenue
19 whose decision shall be final.

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

1 which the homestead is a part.

2 (g) "Disability" means:

3 (1) Inability to engage in any substantial gainful activity by reason of
4 any medically determinable physical or mental impairment which can be
5 expected to result in death or has lasted or can be expected to last for a
6 continuous period of not less than 12 months, and an individual shall be
7 determined to be under a disability only if the physical or mental
8 impairment or impairments are of such severity that the individual is not
9 only unable to do the individual's previous work but cannot, considering
10 age, education and work experience, engage in any other kind of
11 substantial gainful work which exists in the national economy, regardless
12 of whether such work exists in the immediate area in which the individual
13 lives or whether a specific job vacancy exists for the individual, or whether
14 the individual would be hired if application was made for work. For
15 purposes of the preceding sentence (with respect to any individual), "work
16 which exists in the national economy" means work which exists in
17 significant numbers either in the region where the individual lives or in
18 several regions of the country; for purposes of this subsection, a "physical
19 or mental impairment" is an impairment that results from anatomical,
20 physiological or psychological abnormalities which are demonstrable by
21 medically acceptable clinical and laboratory diagnostic techniques; or

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

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

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

39 (1) *Served in the active military, naval, air or space service and who*
40 *was discharged or released therefrom under ~~conditions other than~~*
41 *~~dishonorable~~ {an} honorable ~~conditions~~ {discharge or a general*
42 *discharge under honorable conditions};*

43 (2) *received a disability that was incurred or aggravated in the line*

1 *of duty in the active military, naval, air or space service; and*
2 *(3) has a service-connected evaluation percentage equal to or greater*
3 *than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*
4 Sec. 13. K.S.A. 8-160, 8-243, 8-1324, 73-201, 73-230, 73-1222 and
5 73-1239 and K.S.A. 2023 Supp. 32-934, 48-3601, 50-676, 75-3740 and
6 79-4502 are hereby repealed.
7 Sec. 14. This act shall take effect and be in force from and after its
8 publication in the statute book.