

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~~ **honorable conditions;**

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~~ **honorable conditions.**

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~~ **honorable conditions.**

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~~ **honorable**  
6 **conditions;**

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

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

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

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

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

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

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

32 (2) (A) is a veteran;

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

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

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

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

42 (c) As used in this section:

43 (1) "Armed forces" means the army, navy, marine corps, air force,



1 *space force*, coast guard, Kansas army or air national guard or any ~~branch~~  
2 *component* of the military reserves of the United States;

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

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

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

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

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

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

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

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

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

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

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

33 (A) Neurological;

34 (B) musculoskeletal;

35 (C) special sense organs;

36 (D) respiratory, including speech organs;

37 (E) cardiovascular;

38 (F) reproductive;

39 (G) digestive;

40 (H) genitourinary;

41 (I) hemic and lymphatic;

42 (J) skin; or

43 (K) endocrine; or

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

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

8 (g) "Protected consumer" means:

- 9 (1) An elder person;
- 10 (2) a disabled person;
- 11 (3) a veteran;
- 12 (4) the surviving spouse of a veteran;
- 13 (5) a member of the ~~military~~ *armed forces*; and
- 14 (6) an immediate family member of a member of the ~~military~~ *armed*  
15 *forces*.

16 (h) "Substantially limits" means:

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

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

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

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

33 (a) As used in this act:

34 (1) "Veteran" means:

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

38 (i) ~~On active duty during any war (the official dates for war service are~~  
39 ~~April 6, 1917 through July 2, 1921, and December 7, 1941 through April~~  
40 ~~28, 1952);~~

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

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

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

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

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

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

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

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

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

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

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

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

38 (2) "Competent" means a good faith determination that the person is  
 39 likely to successfully meet the performance standards of the position based  
 40 on what a reasonable person knowledgeable in the operation of the  
 41 position would conclude from all information available at the time the  
 42 ~~decision~~ *determination* is made. The basis for such determination shall  
 43 include experience, training, education, licensure, certification ~~and/or or~~

1 other factors determined by the decision-making authority as appropriate  
2 to determine the applicant's overall qualification and ability to successfully  
3 meet the performance standards of the position. The decision-making  
4 authority shall document such factors prior to the initiation of the selection  
5 process.

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

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

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

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

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

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

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

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

- 15 ~~(A)~~(A) The qualifications for such position;
- 16 ~~(B)~~(B) any preferred qualifications of such position;
- 17 ~~(C)~~(C) performance standards for the position; and
- 18 ~~(D)~~(D) the process that will be used for selection.

19 (2) A veteran, ~~or a veteran's spouse or surviving spouse~~ who qualifies  
20 for the veteran's preference, desiring to use a veteran's preference shall  
21 provide the hiring authority with a copy of the veteran's ~~DD214 form or~~  
22 ~~the DD214 form of the veteran~~ *DD form 214, DD form 1300, NGB form*  
23 *22 or other official discharge document recognized by the department of*  
24 *veterans affairs* under which the spouse qualifies for the preference.

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

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

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

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

42 ~~(b) On or before October 1, 2015, the secretary of administration~~  
43 ~~shall file with the Kansas commission on veterans affairs a report of the~~

1 number of contracts awarded to disabled veteran businesses during the  
2 fiscal year ending June 30, 2015, and the number of such businesses that  
3 responded to solicitations of bids or proposals issued by the department of  
4 administration during such fiscal year.

5 (e) As used in this section:

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

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

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

17 (C) has a service-connected evaluation percentage equal to or  
18 greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. §  
19 1201 et seq.

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

21 (A) Not less than 51% of ~~which~~ *such business* is owned by one or more  
22 disabled veterans or, in the case of a publicly owned business, not less than  
23 51% of the stock of ~~which~~ *such business* is owned by one or more disabled  
24 veterans; and

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

27 Sec. 9. K.S.A. 73-1222 is hereby amended to read as follows: 73-  
28 1222. As used in K.S.A. 73-1221 through 73-1231, and amendments  
29 thereto, unless the context clearly indicates otherwise:

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

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

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

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

41 (e) "Veteran" means a person who is a resident of Kansas who ~~was a~~  
42 ~~member of the armed forces of the United States of America~~ *served in the*  
43 *active military, naval or air service* and who ~~served in such armed forces~~

1 *performed active service* in the area of operations of the Persian Gulf War  
2 during the Persian Gulf War or thereafter regardless of whether such  
3 person is still actively serving in the armed forces or reserve.

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

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

39 (b) A contract shall be awarded to a certified business or disabled  
40 veteran business which is also a responsible bidder, whose total bid cost is  
41 not more than 10% higher than the lowest competitive bid. Such contract  
42 shall contain a promise by the certified business that the percentage of  
43 employees that are individuals with disabilities will be maintained

1 throughout the contract term and a condition that the certified business  
2 shall not subcontract for goods or services in an aggregate amount of more  
3 than 25% of the total bid cost.

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

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

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

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

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

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

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



1 to other criteria and information available; and

2 (B) recommendations of the project architect, or, if there is no project  
3 architect, the recommendations of the secretary of administration or the  
4 agency architect for the project as provided in K.S.A. 75-1254, and  
5 amendments thereto.

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

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

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

26 (g) As used in this section:

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

32 (A) Does business primarily in Kansas or substantially all of its  
33 production in Kansas;

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

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

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

43 (2) "individuals with disabilities" or "individual with a disability"

1 means any individual who:

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

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

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

12 (ii) is employed by a charitable organization domiciled in the state of  
13 Kansas and exempt from federal income taxation pursuant to section  
14 501(c)(3) of the federal internal revenue code of 1986, as amended; or

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

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

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

23 (i) Neurological;

24 (ii) musculoskeletal;

25 (iii) special sense organs;

26 (iv) respiratory, including speech organs;

27 (v) cardiovascular;

28 (vi) reproductive;

29 (vii) digestive;

30 (viii) genitourinary;

31 (ix) hemic and lymphatic;

32 (x) skin; or

33 (xi) endocrine; or

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

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

42 (5) "disabled veteran" means a person ~~verified by the Kansas~~  
43 ~~commission on veterans affairs office to have served in the armed forces of~~

1 the United States and who is entitled to compensation for a service-  
2 connected disability, according to the laws administered by the United  
3 States department of veterans affairs, or who is entitled to compensation  
4 for the loss, or permanent loss of use, of one or both feet or one or both  
5 hands, or for permanent visual impairment of both eyes to a prescribed  
6 degree who:

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

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

12 (C) has a service-connected evaluation percentage equal to or  
13 greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. §  
14 1201 et seq; and

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

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

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

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

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

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

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

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

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

43 (3) contracts awarded pursuant to subsection (b) to each certified

1 business during the previous fiscal year;

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

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

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

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

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

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

26 (a) "Income" means the sum of adjusted gross income under the  
27 Kansas income tax act effective for tax year 2013 and thereafter without  
28 regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through  
29 (xxiii) and (c)(xx), and amendments thereto, maintenance, support money,  
30 cash public assistance and relief, not including any refund granted under  
31 this act, the gross amount of any pension or annuity, including all  
32 monetary retirement benefits from whatever source derived, including but  
33 not limited to, all payments received under the railroad retirement act,  
34 except disability payments, payments received under the federal social  
35 security act, except that for determination of what constitutes income such  
36 amount shall not exceed 50% of any such social security payments and  
37 shall not include any social security payments to a claimant who prior to  
38 attaining full retirement age had been receiving disability payments under  
39 the federal social security act in an amount not to exceed the amount of  
40 such disability payments or 50% of any such social security payments,  
41 whichever is greater, all dividends and interest from whatever source  
42 derived not included in adjusted gross income, workers compensation and  
43 the gross amount of "loss of time" insurance. Income does not include gifts

1 from nongovernmental sources or surplus food or other relief in kind  
2 supplied by a governmental agency, nor shall net operating losses and net  
3 capital losses be considered in the determination of income. Income does  
4 not include veterans disability—~~pensions~~ *compensation*. Income does not  
5 include disability payments received under the federal social security act.

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

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

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

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

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

26 (A) A person having a disability;

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

28 (C) a disabled veteran;

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

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

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

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

39 (B) a disabled veteran.

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

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

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

31       (g) "Disability" means:

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

1 purposes of the preceding sentence (with respect to any individual), "work  
2 which exists in the national economy" means work which exists in  
3 significant numbers either in the region where the individual lives or in  
4 several regions of the country; for purposes of this subsection, a "physical  
5 or mental impairment" is an impairment that results from anatomical,  
6 physiological or psychological abnormalities which are demonstrable by  
7 medically acceptable clinical and laboratory diagnostic techniques; or

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

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

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

25 (1) *Served in the active military, naval, air or space service and who*  
26 *was discharged or released therefrom under ~~conditions other than~~*  
27 *~~dishonorable~~ **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 service-connected evaluation percentage equal to or greater*  
31 *than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

32 Sec. 13. K.S.A. 8-160, 8-243, 8-1324, 73-201, 73-230, 73-1222 and  
33 73-1239 and K.S.A. 2023 Supp. 32-934, 48-3601, 50-676, 75-3740 and  
34 79-4502 are hereby repealed.

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