

SESSION OF 2024

## SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2833

As Amended by House Committee of the Whole

### **Brief\***

HB 2833, as amended, would establish common definitions of “veteran” and “disabled veteran” for purposes of determining eligibility for state veteran benefits. The bill would also clarify the disability evaluation percentages required for certain benefits available to disabled veterans.

### ***Definitions***

The bill would modify the definitions of “veteran” and “disabled veteran” to clarify, among other things, the discharge status (or characterization of service) a member of the Armed Forces must receive to be eligible for benefits specific to Kansas veterans. [*Note:* The terms “veteran” and “disabled veteran” are defined in a variety of ways in current law.]

The bill would modify definitions in current law, as follows:

- “Veteran,” would mean a person who served in the active military, naval, air, or space service and who, upon release from military service, received an honorable discharge or a general discharge under honorable conditions;
- “Disabled veteran” would mean the same as “veteran,” with the additional requirement that such person incurred or aggravated a disability in the

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

line of active duty and has a service-connected disability evaluation percentage pursuant to 38 U.S.C. § 1101 *et seq.* or 10 U.S.C. § 1201 *et seq.*; and

- “Member of the armed forces” would mean a person performing active service in the Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, or any component of the military reserves of the United States.

Under the bill, only individuals who received an honorable discharge or a general discharge under honorable conditions would be considered a veteran for purposes of Kansas-specific benefits. [*Note: A discharge from the Armed Forces is assigned a characterization of service generally categorized as administrative or punitive. Per Army Regulation 135-178, an honorable service characterization and a general (under honorable conditions) service characterization are two of three distinct types of administrative discharges.*]

### ***Benefits for Kansas Veterans***

The bill would incorporate the modified definitions of “veteran” and “disabled veteran” into statutes concerning Kansas-specific benefits for veterans.

### ***Benefits for Veterans***

Under the bill, a person who meets the definition of “veteran” would be eligible for the following existing benefits:

- A driver’s license with a “veteran” designation, contingent on such person providing a DD form 214 (Certificate of Release or Discharge from Active Duty), NGB form 22 (Report of Separation and Record of Service), or equivalent discharge

document showing character of service as honorable or general under honorable conditions;

- A non-driver identification card with a “veteran” designation, contingent on such person providing a DD form 214 (Certificate of Release or Discharge from Active Duty), NGB form 22 (Report of Separation and Record of Service), or equivalent discharge document showing character of service as honorable or general under honorable conditions;
- In-state tuition and fees at an institution of higher education in Kansas, provided that such person meets other specified criteria under current law;
- Enhanced protection under the Kansas Consumer Protection Act;
- Preference in governmental employment and promotion;
- Participation in the Persian Gulf War Veterans Health Initiative; and
- Vietnam War Era medallion, medal, and certificate.

#### *Benefits for Disabled Veterans*

Under the bill, a person who meets the definition of “disabled veteran” would be eligible for the following existing benefits:

- A free license plate, provided that such person has a service-connected evaluation of 50.0 percent or more;
- A permanent license to hunt and fish in Kansas, provided that such person has a service-connected evaluation of 30.0 percent or more;

- Preference in governmental employment and promotion, provided that such person has a service-connected evaluation percentage pursuant to 38 U.S.C. § 1101 *et seq.* or 10 U.S.C. § 1201 *et seq.*;
- Preference in contracts for any job or service for which moneys appropriated are to be expended, provided that such person has a service-connected evaluation of 10.0 percent or more;
- Preference in certain bids for contracts and purchases, provided that such person has a service-connected evaluation of 10.0 percent or more; and
- Property tax refund pursuant to the Homestead Property Tax Refund Act, provided that such person has a service-connected evaluation of 50.0 percent.

### ***Technical Amendments***

The bill would make technical amendments to various statutes.

### **Background**

The bill was introduced by the House Committee on Taxation at the request of Representative Ellis.

[*Note:* The bill's provisions are identical to 2024 House Bill 2759 (HB 2759), as amended by the House Committee on Veterans and Military. HB 2759 was stricken from the House Calendar on February 23, 2024, by Rule 1507.]

### ***House Committee on Veterans and Military***

In the House Committee hearing on March 14, 2024, Representative Johnson and a representative of the Military Officers Association of America provided **proponent** testimony. The proponents generally stated the bill would conform Kansas statutes to federal code when defining “veteran” and “disabled veteran.”

No other testimony was provided.

On March 21, 2024, the bill was referred from the House Committee of the Whole to the House Committee on Veterans and Military.

The House Committee on Veterans and Military subsequently amended the bill to:

- Remove the discharge status “other than dishonorable” from the definitions of “veteran” and “disabled veteran,” and;
- Add the discharge status “honorable” into the definitions of “veteran” and “disabled veteran.”

### ***House Committee of the Whole***

On March 27, 2024, the House Committee of the Whole amended the bill to include the service characterization of "general discharge under honorable conditions" to the definition of "veteran" and "disabled veteran."

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Commission on Veterans Affairs Office and Kansas Department of Revenue state that enactment of the bill would have no fiscal effect on either agency.

Veterans and Military; veterans; benefits; veterans benefits; disabled veterans; disability determination; honorable discharge; general discharge; general discharge under honorable conditions