GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 115

FRIDAY, FEBRUARY 13, 2015

The following bill was reported to the Senate from the House and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to the dates of the Korean conflict.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 40.010 is amended to read as follows:

4 As used in this chapter, the following terms have the following respective meanings,
5 unless another meaning is clearly required by the context:

6 (1) "Administrator" means the adjutant general of the Commonwealth;

7 (2) "Veteran" means a person who served in the active Armed Forces of the United
8 States, during the Spanish American War, World War I, World War II, or the
9 Korean conflict, for a period of ninety (90) days or more (exclusive of time spent
10 AWOL; or in penal confinement as a result of a sentence imposed by court-martial;
11 or in service for which no allowance is made according to KRS 40.040), with some
12 portion of service within the respective hereinafter prescribed dates, who is still in
13 the Armed Forces, or was released, separated, discharged, or retired therefrom
14 under honorable conditions;

15 (3) "Duty in active Armed Forces" includes active duty, and any period of inactive duty
16 training during which the individual concerned was disabled; and if a person in the
17 active Armed Forces was released, separated, or discharged therefrom by reason of
18 disability incurred in line of duty before serving as much as ninety (90) days, such
19 person shall be qualified for entitlement to a bonus payment under this chapter,
20 notwithstanding failure to remain in service for the minimum time otherwise
21 prescribed;

22 (4) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force,
23 and Coast Guard, including the reserve components thereof on active duty;

24 (5) "Qualified veteran" means a person answering to the specifications set forth in
25 subsections (2) and (3), and who

26 (a) Was a resident of the Commonwealth at the time of entry into active service in
27 the Armed Forces and for at least six (6) months prior thereto; and

1 (b) Who has not received a bonus or like compensation from another state; and
2 (c) Who is not subject to the forfeiture provisions of this chapter;
3 (6) "Resident of the Commonwealth at the time of entry into the active service" means
4 any person who gave the Commonwealth of Kentucky, or any specific place in this
5 Commonwealth, as his or her place of residence at such time of entry, without
6 regard to the place of enlistment, commission, or induction. Conclusive and
7 exclusive evidence of such giving of place of residence shall be the official records
8 on file in the Department of Defense of the United States, or any official record
9 thereof in the files of the Veterans Administration of the United States; but if it be
10 shown to the satisfaction of the administrator that for any reason no such record was
11 made, or that the same has been lost, misplaced, or destroyed, or that an
12 authenticated copy thereof cannot be obtained within a reasonable time, other
13 evidence of bona fide residence may be accepted if deemed sufficient by the
14 administrator;
15 (7) "Resident," in any context other than as in subsection (6), means a legal resident as
16 determined by generally established principles of law, as may be defined, and
17 subject to proof, according to such regulations as the administrator may promulgate;
18 (8) "Beneficiary" means, in this order, widow, child or children (sharing equally),
19 mother, father, and no other;
20 (9) (a) "Widow" means a woman who was the wife of a veteran at the time of his
21 death, and who had not deserted him (except where there was a separation
22 which was due to the misconduct of, or procured by, the veteran without the
23 fault of the wife), and who had not remarried, (unless the purported
24 remarriage was void or had been annulled);
25 (b) The term "widow" also includes "widower" in the case of a man who was the
26 husband of a female veteran at the time of her death;
27 (10) "Child" means a person

1 (a) Who is under the age of eighteen (18); or
2 (b) Who, before attaining the age of eighteen (18) years, became permanently
3 incapable of self-support; or
4 (c) Who, after attaining the age of eighteen (18) years and until completion of
5 education or training (but not after attaining the age of twenty-one (21) years)
6 is pursuing a course of instruction at a bona fide educational institution; and
7 who, in relationship to the veteran, is a child born in lawful wedlock; a legally
8 adopted child; a stepchild who is a member of a veteran's household or was a
9 member at the time of the veteran's death; or a child born out of wedlock, but,
10 as to the alleged father, only if acknowledged in writing signed by him, or if
11 he had, before his death, been judicially decreed to be the father of such child;
12 (11) "Mother" means a mother, a mother through adoption, or a woman who for a period
13 of not less than one (1) year stood in the relationship of a mother to a qualified
14 veteran before his or her entry into active service in the Armed Forces, or if two (2)
15 persons stood in such relationship for one (1) year or more, the person who last
16 stood in such relationship before the veteran's last entry into active service in the
17 Armed Forces;
18 (12) "Father" means a father, a father through adoption, or a man who for a period of not
19 less than one (1) year stood in the relationship of a father to a qualified veteran
20 before his or her entry into active service in the Armed Forces, or if two (2) persons
21 stood in such relationship for one (1) year or more, the person who last stood in
22 such relationship before the veteran's last entry into active service in the Armed
23 Forces;
24 (13) "In the continental United States" means any place in the District of Columbia and
25 the states of the United States which are on the North American continent,
26 exclusive of Alaska;
27 (14) "Outside the continental United States" means any place elsewhere than as defined

1 in subsection (13);

2 (15) "Spanish-American War"

3 (a) Means the period beginning on April 21, 1898, and ending on July 4, 1902;

4 (b) Includes the Philippine Insurrection and the Boxer Rebellion; and

5 (c) In the case of a veteran who served with the United States military forces
6 engaged in hostilities in the Moro Province, means the period beginning on
7 April 21, 1898, and ending on July 15, 1903;

8 (16) "World War I"

9 (a) Means the period beginning on April 6, 1917, and ending on November 11,
10 1918; and

11 (b) In the case of a veteran who served with the United States military forces in
12 Russia, means the period beginning on April 6, 1917, and ending on April 1,
13 1920; and

14 (c) Any service between April 6, 1917, and July 1, 1921, if some part thereof was
15 between April 6, 1917, and November 11, 1918, both dates being inclusive;

16 (17) "World War II" means the period beginning December 7, 1941, and ending
17 December 31, 1946;

18 (18) "Korean conflict" means[

19 ~~(a)~~] the period beginning on June 27, 1950, and ending ***January 31, 1955***[~~July~~
20 ~~25, 1953; and~~

21 ~~(b) Subsequent service until January 31, 1955, if the veteran was qualified for the~~
22 ~~Korean medal~~];

23 (19) "Bonus" and "veterans' bonus" means the compensation authorized by this chapter;

24 (20) "Bonus claim" means a claim or potential claim for a veterans' bonus;

25 (21) "Claimant" means one who seeks to obtain payment of a bonus claim.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 3/30/15