

#### **40.400 Definitions for KRS 40.410 to 40.560.**

As used in KRS 40.410 to 40.560, the following terms have the following respective meanings, unless another meaning is clearly required by the context:

- (1) "Department of Military Affairs" means the office of the adjutant general, Commonwealth of Kentucky;
- (2) "Administrator" means the individual designated by the adjutant general to carry out the responsibilities of KRS 40.410 to 40.560;
- (3) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof on active duty, other than for training, and shall not include the merchant marine;
- (4) "Qualified veteran" means any person whose period of active duty service meets the criteria set forth in subsection (5) or (6) of this section;
- (5) "Qualifying Vietnam service" means service by any person who:
  - (a) Served as a member of the Armed Forces of the United States in Vietnam or its contiguous waters or airspace, as defined in United States Department of Defense Directive 1348.15, October 1, 1965, for a period of at least thirty (30) days, unless such period was lessened as a result of death or medical evacuation, during the period July 1, 1958, through May 15, 1975; or served as a member of the Armed Forces of the United States in the Dominican Republic, Congo, Thailand, Laos, or Cambodia, or participated in aerial missions in the airspace over same, for a period of at least thirty (30) days, unless such period was lessened as a result of death or medical evacuation, during the period July 3, 1965, through May 15, 1975; or served as a member of the Armed Forces of the United States and was awarded, or was eligible for award of, the Vietnam Service Medal established by United States Department of Defense Directive 1348.15, October 1, 1965;
  - (b) Was released, separated, or discharged from the Armed Forces under other than dishonorable conditions or who is presently serving on active duty;
  - (c) Was a resident of the Commonwealth at the time of entry into active service in the Armed Forces and for at least six (6) months prior thereto; and
  - (d) Has not received a similar bonus for such service from any other state;
- (6) "Qualifying Vietnam era service" means service by any person who:
  - (a) Served in the Armed Forces of the United States on active duty, including service in a reserve component thereof other than for training, for at least ninety (90) consecutive days, exclusive of time lost as AWOL or in penal confinement, during the period August 5, 1964, to May 15, 1975, but whose service was in a location not included in subsection (5)(a) of this section;
  - (b) Was released, separated, or discharged from the Armed Forces under other than dishonorable conditions or is still serving on active duty;
  - (c) Was a resident of the Commonwealth at the time of his entry into active service in the Armed Forces and for at least six (6) months prior thereto; and
  - (d) Has not received a similar bonus for such service from any other state;

- (7) "Resident of the Commonwealth at the time of entry into the active service" means any person who gave the Commonwealth of Kentucky, or any specific place in this Commonwealth, as his place of residence at the time of entry. Conclusive and exclusive evidence of the giving of place of residence shall be the official records on file in the Department of Defense of the United States, or any official record thereof in the files of the Veterans Administration of the United States; but if it be shown to the satisfaction of the administrator that for any reason no such record was made, or that it has been lost, misplaced, destroyed, or was in error, or that an authenticated copy thereof cannot be obtained within a reasonable time, other evidence of bona fide residence may be accepted if deemed sufficient by the administrator;
- (8) "Resident," in any context other than as in subsections (5) and (6) of this section, means a legal resident as determined by generally established principles of law, as may be defined, and subject to proof, according to the regulations the administrator promulgates;
- (9) "Beneficiary" means the following persons who were alive at the time of application, in this order: widow, if none to the child or children equally, if none to the mother and father equally, but if the father is dead, the mother, if living, shall take the whole amount; but if the mother is dead, the father, if living, shall take the whole amount;
- (10) (a) "Widow" means a woman who was the wife of a qualified veteran at the time of his death;
- (b) The term "widow" also includes "widower" in the case of a man who was the husband of a female qualified veteran at the time of her death;
- (11) "Child" means a person:
- (a) Who is under the age of eighteen (18) at the time application is made or who was under the age of eighteen (18) at the time of the veteran's death;
- (b) Who, before attaining the age of eighteen (18), became permanently incapable of self-support; or
- (c) Who, after attaining the age of eighteen (18) and until completion of education or training, but not after attaining the age of twenty-three (23), is pursuing a course of instruction at a bona fide educational institution; and who, in relationship to the veteran, is a legitimate child; a legally adopted child; a stepchild who is a member of a qualified veteran's household or was a member at the time of the veteran's death; or an illegitimate child, but, as to the alleged father, only if acknowledged in writing signed by him or if he had, before his death, been judicially decreed to be the father of such child;
- (12) "Mother" means a mother, a mother through adoption, or a woman who for a period of not less than one (1) year stood in the relationship of a mother to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;

- (13) "Father" means a father, a father through adoption, or a man who for a period of not less than one (1) year stood in the relationship of a father to a qualified veteran before his or her entry into active service in the Armed Forces, or if two (2) persons stood in such relationship for one (1) year or more, the person who last stood in such relationship before the veteran's last entry into active service in the Armed Forces;
- (14) "In the continental United States" means any place in the District of Columbia and the states of the United States which are on the North American continent, exclusive of Alaska;
- (15) "Outside the continental United States" means any place elsewhere than as defined in subsection (14) of this section;
- (16) "Bonus" and "Vietnam veterans' bonus" mean the compensation authorized by KRS 40.410 to 40.560;
- (17) "Bonus claim" means a claim or potential claim for a Vietnam veterans' bonus; and
- (18) "Claimant" means one who seeks to obtain payment of a bonus claim.

**Effective:** March 1, 1991

**History:** Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 16, sec. 1, effective March 1, 1991. -- Created 1988 (1st Extra. Sess.) Ky. Acts ch. 6, sec. 2.