

Testimony for the House Veterans and Military Committee 07 February 2023

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify for HB 2210 today on behalf of the Adjutant General's Department.

Current statute states that appointment of general officers shall be subject to confirmation by the Kansas Senate as provided in K.S.A. 75-4315b, and amendments thereto.

Before Kansas Army and Air National Guard officers are promoted to general officer, they go through a federal recognition process which includes a background check, Presidential nomination, and US Senate confirmation. That federal background check and confirmation process must be complete before the officer can be considered by the Kansas Senate for confirmation. Both the state and federal processes must be complete before the officer can actually be promoted or pin on their new rank.

The requirement for Kansas Senate confirmation can and does result in delays to general officer promotions in the state. The cause of the delay is a result of the timing of the federal process in relation to the state process. The federal nomination and screening process for general officers begins in October to December of each year and the results are released between June and August. The Kansas legislative cycle begins in January of each year. Because of the redundant requirement to be confirmed by the Kansas Senate, officers who have already been deemed eligible for promotion by the US Army and US Air Force, nominated by the president, and confirmed by the US senate have to wait an additional 6-9 months before their promotion can take effect. It should be noted that the federal process of nomination and confirmation is more stringent than the state process and that the interests of Kansas are represented by our federal legislative delegation.

This is an unnecessary delay which also impacts all other promotions and assignments predicated on the promotion and movement of the senior officer. In other words, a colonel needs to be promoted to general to allow a lieutenant colonel to be promoted to colonel to allow a major to be promoted to lieutenant colonel. The delay in the general officer promotion can impact up to five additional officers.

The requirement for State Senate Confirmation may also lead to an officer deploying for a federal or state active duty mission without having the rank associated with their positional

authorities. This would create command and control challenges for a dual Title 10/Title 32 commander and interoperability challenges with the active Army and Air Force.

Recently, one officer was erroneously promoted to brigadier general by federal authorities which was an inadvertent violation of state statute. The officer incurred a debt to the government for overpayment of pay and allowances as well multiple errors to his personnel file. Eliminating State Senate confirmation would prevent such from occurring in the future.

The Adjutant General, as a cabinet secretary, would still be required to be confirmed by the state Senate with this change, as prescribed by section 48-203. But this proposed change would remove the language for all other general officers allowing for efficiency and greater flexibility in senior officer assignments.

Thank you again for the opportunity to speak today.

Respectfully submitted by:

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