

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2230

As Amended by House Committee on Veterans
and Military

Brief*

HB 2230, as amended, would create law related to the appointment of a state judge advocate and amend law governing the Kansas National Guard in Chapter 48 of the *Kansas Statutes Annotated* to modernize statutory language and remove outdated statutes, including references to trial by court martial.

State Judge Advocate (New Section 1)

The bill would authorize the Adjutant General, with the approval of the Governor, to appoint an officer of the state military as state judge advocate with the rank of colonel. The Adjutant General would also be authorized to appoint as many assistant state judge advocates as deemed necessary. The bill would specify appointees for the state judge advocate and appointees for assistant state judge advocates would be required to meet the definition of judge advocate provided in continuing law.

If the Governor approves, the Adjutant General would be able to promote a state judge advocate to the rank of brigadier general, provided that the state judge advocate has:

- Held the rank of colonel for at least ten years; and

*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>

- Served 20 years or more of combined service in the Kansas National Guard and the U.S. military forces.

Authority of Adjutant General to Appoint Assistant Adjutants General (Section 5)

The bill would amend provisions concerning the appointment of assistant adjutants general to permit the Adjutant General to assign the number of assistant adjutants general, as authorized by the National Guard Bureau, who would serve at the pleasure of, and perform duties as assigned by, the Adjutant General. [Note: Current law provides the Adjutant General may appoint two assistant adjutants general.]

Under the bill, assistant adjutants general would hold military rank as authorized and approved by the National Guard Bureau, and would be required to have served at least five years as commissioned officers in the Kansas Army or Air National Guard at the time of their appointment. The bill would require the Adjutant General to designate one assistant adjutant general as the senior assistant adjutant general, who would perform the Adjutant General's duties when the Adjutant General is absent, unable, or when such senior assistant is expressly directed to perform such duties.

The bill would remove language from this section with respect to the Adjutant General's authority over state, federal, and public property, including the state arsenal. The bill would also remove language from this section with respect to the Adjutant General's power to appoint a finance and disbursing officer.

U.S. Property and Disbursing Officer (Section 6)

The bill would replace current language outlining the duties of the finance and disbursing officer with language

providing for a U.S. Property and Disbursing Officer (Officer), to be appointed or assigned pursuant to federal National Guard regulations. The bill would require such Officer (and assistants, as necessary) to secure, receive, disburse, issue, record, and account for all federal funds and military property granted or loaned by the United States to Kansas for use by the Kansas National Guard. The Officer would perform additional duties and would exercise power and authority as is assigned by the Adjutant General, or as is vested in the Officer by federal regulation.

Federal funds would be used to pay the salary of the Officer and the salaries of other employees necessary for the discharge of duties. If federal funds are not available, state funds would be used.

Uniforms, Arms, and Equipment (Section 10)

The bill would remove the requirement that commissioned officers provide themselves with suitable uniforms and other equipment. It would also remove the provision that noncommissioned officers be provided with uniforms and other equipment free of charge.

Penalties for Failure to Obey Orders (Section 12)

The bill would remove penalties for officers and enlisted persons who do not faithfully perform their duties.

Establishment and Use of Armories (Section 14)

The bill would remove outdated references to meetings of the Grand Army of the Republic, the Spanish American War Veterans, and their auxiliary organizations.

Compensation of Kansas National Guard Members after July 1, 1943 (Section 16)

The bill would remove a pay schedule providing for specific amounts of compensation for various ranks after July 1, 1943, to instead provide such members would receive appropriate compensation as established by policy, guidance, or regulation.

Technical Amendments (Sections 2-4, 7-9, 11, 13, and 15)

The bill would make technical amendments to various statutes in Chapter 48 of the *Kansas Statutes Annotated* to modernize language and ensure consistency in statutory phrasing. The bill would also remove all references to trial by court martial in statutes governing the Kansas National Guard.

Background

The bill was introduced by the House Committee on Veterans and Military at the request of a representative of the Adjutant General's Department.

House Committee on Veterans and Military

In the House Committee hearing on February 14, 2023, a representative of the Adjutant General's Department testified as a **proponent**, stating that Chapter 48 of the *Kansas Statutes Annotated*, which outlines the organization of the military, defense, and public safety of Kansas, was last significantly revised in 1988. The bill would ensure that the Kansas National Guard follows statutes that are in line with recently updated United States Army and Air Force regulations.

No other testimony was provided.

The House Committee amended the bill to:

- Decrease, from 30 to 20, the number of years required for a state judge advocate to serve in order to be promoted to rank of brigadier general;
- Update the Adjutant General's authority to assign the number of assistant adjutants general and clarify the duties of such assistants;
- Provide for a U.S. Property and Disbursing Officer to serve the needs of the organized militia at the discretion of the Adjutant General; and
- Make technical changes to ensure consistency in statutory phrasing.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Adjutant General's Department states that the bill would not have a fiscal effect.

Veterans and Military; Kansas National Guard; state judge advocate