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Brigadier General Michael T. Venerdi
The Adjutant General and Director of
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Laura Kelly, Governor

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Committee on Judiciary
Kansas Senate
Attn: Senator Kellie Warren, Chair
Cc: Barbara Moore, Committee Assistant
State Capitol, Room 346-S
300 SW 10th Ave
Topeka, KS 66612

Dear Madam Chair and Members of the Committee,

Thank you for the opportunity to provide **proponent** testimony in support of House Bill No. 2392 and Senate Bill No. 292. Colonel Jared Maag, the State Staff Judge Advocate, will testify on my behalf.

House Bill No. 2392 contains updates to the Kansas Code of Military Justice (KCMJ). Generally, when National Guard members serve pursuant to federal orders, they are subject to the Uniform Code of Military Justice (UCMJ) under Title 10 of the United States Code which outlines the role of the armed forces of the United States. For most National Guard members, however, they will serve the bulk of their career under the provisions of Title 32 of the United States Code which outlines the role of the National Guard of the United States and otherwise applies during drill weekends and annual training. During service under Title 32, members are bound by Army Regulations and Air Force Instructions, respectively, but are also subject to the KCMJ for relevant administrative and disciplinary matters.

Since its enactment in 1951, the UCMJ has undergone several major revisions. Where once the KCMJ and UCMJ coexisted with similar language, the KCMJ has undergone only minor revisions since its enactment in the early 1900s. Consequently, the KCMJ needs updating to serve the current needs of commanders.

These proposed changes include consolidating language from various provisions of Chapter 48 to avoid unnecessary and duplicative language; updating and adding definitions to match those contained in the UCMJ; ensuring overall consistency with the UCMJ and Model State Codes of Military Justice that have been enacted in recent years in our sibling states; removing all references to, and sections concerning, trial by court-martial; updating language to modernize non-judicial punishment proceedings to bring this oft-used disciplinary process in line with other military justice changes; and updating KCMJ punitive articles to mimic current UCMJ punitive articles while continuing to exclude serious felonies, i.e., murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, and burglary, which remain under the purview of civilian courts.

Modernizing the KCMJ ensures that the men and women of the Kansas National Guard are subject to statutes that are consistent with the UCMJ, Army Regulations, and Air Force Instructions, in turn

giving commanders the tools they need to properly address disciplinary matters that arise when members are engaged in service of the United States and the State of Kansas.

Second, Senate Bill No. 292 provides administrative updates to Kansas Statutes Annotated (KSA) Chapter 48 that governs the organizational and administrative functions of the Kansas National Guard. First, it codifies how The Adjutant General selects and appoints the State Judge Advocate and assistant judge advocates. The bill also addresses the state military disability board, which determines benefits to national guard members who are injured or killed while in service to the State of Kansas. Currently, those who suffer a 100% disability while on State Active Duty are eligible for \$120 per month plus 12.5% of their monthly pay. For an E-5 Sergeant, that equates to approximately \$570 per month for 100% disability, which is woefully inadequate. The bill increases that to \$850 plus 12.5% of base pay. Current law also provides funeral expenses, not to exceed \$500, for members killed while on State Active Duty. The bill increases that limit to \$3500. It also addresses benefits for surviving spouses and children.

There are several terms and positions in KSA Chapter 48 that date back to the 19th century which have been re-defined, eliminated or updated that the SB 292 addresses:

- State finance officer: a position that has been replaced by the United States Property and Fiscal Officer for Kansas
- Muster and camp instruction: has been replaced by annual training
- The pool of available personnel is currently defined as able-bodied *male* citizens
- Current statute requires the Governor to coordinate uniforms and arms with the Secretary of War, which hasn't existed since 1947 (now the Secretary of Defense)
- Commanding officers are required to report by telegraph
- Armories are required to be open to the Grand Army of the Republic (a Civil War veterans organization) and the Spanish American War Veterans for meetings and events, but no mention of organizations like the Veterans of Foreign Wars and American Legion, which date to the early 1900s and 1910s; the bill eliminates named organizations and gives the officer in charge authority over use for public functions deemed "advisable and proper"

As you can see, these administrative updates are long overdue, and we appreciate your consideration of these bills.

Thank you for your continued support of the Kansas National Guard and its nearly 7,000 soldiers and airmen, and their families. You are welcome to reach out to me if you need anything. You may also contact my legislative liaison, Lt. Col. Keith Marshall, at 785-646-0011 or keith.marshall.1@us.af.mil.

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The Adjutant General