SENATE BILL No. 292
By Committee on Federal and State Affairs


Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The adjutant general, with the approval of the governor, shall appoint an officer of the state military forces as state judge advocate, with the rank of colonel. To be eligible for such appointment, the appointee shall meet the definition of judge advocate in K.S.A. 48-2101, and amendments thereto.

(b) The adjutant general may appoint as many assistants to the state judge advocate as the adjutant general considers necessary. The appointees shall be designated assistant state judge advocates. To be eligible for such appointment, appointees shall meet the definition of judge advocate in K.S.A. 48-2101, and amendments thereto.

(c) The adjutant general, with the approval of the governor, may promote a state judge advocate to the rank of brigadier general if the state judge advocate has served 20 years or more of combined service in the Kansas national guard and the United States military forces and held the rank of colonel for at least 10 years.

New Sec. 2. The benefits amounts specifically identified in K.S.A. 48-267 and 48-269, and amendments thereto, shall be adjusted by the military disability board, as defined in K.S.A. 48-261, and amendments thereto, to commence on July 1, 2025, and each July 1 thereafter by a percentage equal to the percentage increase from the previous calendar year in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor.

Sec. 3. K.S.A. 48-101 is hereby amended to read as follows: 48-101. All persons subject to military duty under the constitution of this state and not exempt therefrom by the provisions of this act, and such other persons
as shall voluntarily enroll themselves, shall be divided into three classes, to wit: One consisting of the federally recognized national guard, which shall be known as the "Kansas army and air national guard"; one consisting of those able-bodied male citizens prescribed and contemplated in article 8 of the constitution of this state of Kansas not in the "Kansas army and air national guard" which shall be known as "the militia"; and one to consist of all those subject to military duty, but not included in the "Kansas army and air national guard" or "the militia," to be known as the "Kansas military reserve."

Sec. 4. K.S.A. 48-202 is hereby amended to read as follows: 48-202. All staff officers of the Kansas national guard, including officers of the pay, inspection, subsistence, and medical departments, hereafter appointed shall have had previous military experience, and shall hold their positions until they shall have reached the age of sixty-four years of age, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court martial legally convened for that purpose; and all vacancies among such officers shall be filled by appointment from the officers of the militia of Kansas. Nothing in this section shall be construed or operate to limit the provisions of any federal law relative to the qualifications for appointment of officers or the filling of vacancies.

Sec. 5. K.S.A. 2022 Supp. 48-204 is hereby amended to read as follows: 48-204. (a) The adjutant general shall:

1. Be in control of the military department of the state and subordinate only to the governor in matters pertaining to the department;
2. Have general supervision over all the subordinate military departments, including the department of the army national guard and the department of the air national guard;
3. Perform such duties as pertain to the adjutant general's department under the regulations and usage of the army of the United States;
4. Superintend the preparation of all returns and reports required by the United States from the state;
5. Require a certificate of the military service to be furnished, in accordance with K.S.A. 73-209, and amendments thereto, to any soldier who has served in the army in any of the state military organizations; and
6. Audit and pass upon all claims of a military character against the state, and no contract of a military nature against the state shall be valid or paid until approved by the adjutant general.

(b) The adjutant general is authorized to:

1. Adopt regulations pertaining to the preparation and rendering of reports and returns and to the care and preservation of public property as in the adjutant general's opinion the conditions demand, which such regulations shall be operative and in force when promulgated in the form of general orders, circulars or circular letters;
(2) administer oaths in matters pertaining to the duties of the office as relates to:

(A) Claims against the state;
(B) the organization of boards of survey, courts martial and courts of inquiry;
(C) affidavits covering loss of military property belonging to the state or the United States;
(D) oaths of office of officers of the Kansas national guard;
(E) statements and reports required from officers pertaining to property and money accountability and expenditures; and
(F) any other official military matters coming before the adjutant general;

(3) adopt an appropriate seal for use in the office, to be affixed to all oaths that the adjutant general administers under authority of law, and to authenticate all certificates required of the adjutant general;

(4) appoint such officers as necessary as security officers for the protection of all national guard property and equipment, owned by or under the control of the Kansas national guard wherever located in the state of Kansas, including when transported over public roads or located on temporary national guard sites, and for the protection of persons and property associated with the national guard; and

(5) appoint law enforcement officers to serve under the command of the adjutant general.

(c) (1) Those members of the adjutant general's department who are appointed as law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623, and amendments thereto.

(2) A law enforcement officer engaged in the protective functions specified in subsection (b)(4) shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county where there is located any Kansas national guard property. All persons arrested by a law enforcement officer may be turned over to the appropriate local police or county sheriff in whose jurisdiction the offense was committed to be processed in the same manner as other persons turned over to such police or sheriff or may book such arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the adjutant general, unless a memorandum of agreement with the local law enforcement agency specifies otherwise.

(3) While on duty, security officers or law enforcement officers appointed pursuant to subsection (b)(4) or (b)(5), as applicable, shall wear and display publicly a badge of office.
Sec. 6. K.S.A. 48-205 is hereby amended to read as follows: 48-205.
The adjutant general shall have immediate charge of the state arsenal
under the supervision of the governor. The adjutant general shall have
charge and care of all state and United States military property for which
the state is responsible and shall cause to be kept an accurate and careful
account of all receipts and issues of the same. He or she shall require to be
kept a careful memorandum of all public property on hand in the state
arsenal and in the possession of the several organizations of the Kansas
army and air national guard, or Kansas state guard and will guard said
property against injury and loss to the extent of his or her ability. The
adjutant general shall require every accountable and responsible officer of
the Kansas army and air national guard, or Kansas state guard to account
for every deficiency in public property in such officer's possession
immediately after such deficiency is discovered.

(a) The adjutant general may appoint two assistant adjutants general
who may have the rank of brigadier general when they are assigned as head of the department of the army national
guard or the department of the air national guard, and who shall have
served at least five years as commissioned officers in the Kansas army or
air national guard who shall be within the classified service of the Kansas
civil service act. The office of one of the assistant adjutants general will be
with the adjutant general, and the assistant shall assist the adjutant general
in the performance of such duties as may be assigned to him or her and the
assistant may perform the duties of the adjutant general in the case of
absence, inability, or by express direction of the latter, and at such time the
assistant will sign as "acting adjutant general." He or she may appoint one
special assistant adjutant general, with the rank of colonel, who shall have
served at least five years as a commissioned officer with the Kansas
national guard and who shall be within the classified service of the Kansas
civil service act; and one judge advocate general, with the rank of colonel.
The adjutant general may, with the approval of the governor, promote a
judge advocate general who has served thirty (30) or more years of
combined service in the Kansas national guard and United States military
forces, with the rank of colonel for at least ten (10) years, to the rank of
brigadier general. Subject to the approval of the governor, and, within the
provisions of the civil service law and available appropriations, the
adjutant general may appoint one finance and disbursing officer with the
rank of colonel, who acts as disbursing officer for the state; and such other
assistants and clerical employees as may be necessary to carry out properly
the provisions of this act from the ground forces and air forces of this state
who are authorized by national guard bureau rules and regulations.

(b) The assistant adjutants general shall, if they qualify therefor, hold
military rank as may be authorized and approved for the positions by the
national guard bureau of the United States. The assistant adjutants general, at the time of their appointment, shall have served at least five years as commissioned officers in the Kansas army or air national guard.

(c) The assistant adjutants general shall serve at the pleasure of the adjutant general and perform such duties as are assigned by the adjutant general.

(d) The adjutant general shall designate one assistant adjutant general as the senior assistant adjutant general who, during any period when the adjutant general is absent, unable or by express direction of the adjutant general, shall perform the duties of the adjutant general as acting adjutant general.

Sec. 7. K.S.A. 48-206 is hereby amended to read as follows: 48-206. The finance and disbursing officer, shall perform such duties in connection with the Kansas national guard as usage and the regulations of the army of the United States assign to the finance and disbursing departments. He or she will, pursuant to the orders of the adjutant general, disburse the armory rent allowance for the several organizations of the Kansas national guard entitled to the same and the allowances made to the several headquarters for postage and contingent expenses, and such allowances as the legislature may make to the minor military departments of the state; he or she will disburse upon approved vouchers the appropriations for semiannual inspection of companies, for active service, for purchase of marksmanship badges, for schools for officers, and all other pay and allowances to which officers and enlisted persons of the Kansas national guard may be entitled to according to law. The state controller is authorized to draw the necessary warrants against the foregoing appropriations in favor of the finance and disbursing officer on presentation of an itemized voucher made in conformity with the laws of the state and approved by the governor and the adjutant general.

(a) There shall be a United States property and disbursing officer appointed or assigned as may be provided in federal regulations.

(b) The United States property and disbursing officer shall be provided with adequate office facilities in Topeka or at the site of the principal military warehouses or training grounds for the national guard at the discretion of the adjutant general to best serve the needs of the organized militia.

(c) Such United States property and disbursing officer shall secure, receive, disburse, issue and account for all United States funds, arms, uniforms, equipment and supplies as requested by the governor for use by the organized militia. The property and disbursing officer shall maintain complete and accurate records, in the manner prescribed by federal regulations, of all funds and property granted or loaned to the state for use by the organized militia, and such records shall constitute the official
records of the federally owned military property for which the state shall be responsible to the United States. The property and disbursing officer shall perform such additional duties and exercise such powers and authority as may be vested in such officer by federal regulations, or as may be assigned by the adjutant general. Such officer shall be provided assistants and clerical, stenographic, shop, technical and warehouse personnel as may be necessary to properly discharge such officer's duties.

(d) Personnel and other employees of the property and disbursing officer shall receive salaries as the adjutant general determines, except that state funds shall be used for salaries or other expenses of the office of the office of the United States property and disbursing officer only when federal funds are not available.

(e) Expenditures from the appropriations described in this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the governor and the adjutant general, or designees thereof.

Sec. 8. K.S.A. 48-209 is hereby amended to read as follows: 48-209. All officers of the Kansas army and air national guard in the line and in all of the departments and corps, shall hold their positions until they have reached the age of sixty-four (64) years of age unless the same shall have been officer was terminated according to federal law. Upon the recommendation of the adjutant general, the governor may order any person on the state retired list to active service of the state for the purpose of serving on military courts or boards or performing staff duty in or with the active militia and in time of emergency to perform any military duty in or with the active militia. In any such case, the person so ordered shall rank in his or her grade from the date of such order. Pay and allowances while on active service of the state shall be as provided for in K.S.A. 48-225, or any amendments thereto, except that time spent on the state retired list shall not be credited in the computation of seniority or pay.

Sec. 9. K.S.A. 48-211 is hereby amended to read as follows: 48-211. (a) Enlisted personnel of the Kansas army and air national guard who are unable, on account of permanent physical disability, to perform the duties required of them shall be discharged from the military service of the state under such regulations as shall be promulgated by the military board. All commissioned officers, warrant officers, and noncommissioned officers who have reached the age of 64 years of age and those who are found to be permanently disabled through no fault of their own shall be retired from active service and placed on the retired list; and Those who have served 10 years, honorably, in the military service of the United States or in any state or territory thereof and shall make application for the same may be placed upon the retired list.

(b) All members of the Kansas army and air national guard shall be
exempt from jury duty during the annual muster and camp instruction, during the time the member is ordered by the governor to perform active state service under K.S.A. 48-238 or 48-241, and amendments thereto, or during the time the member is ordered to perform active state service under K.S.A. 48-242, and amendments thereto.

Sec. 10. K.S.A. 48-214 is hereby amended to read as follows: 48-214.

(a) There shall be a Kansas military board consisting of the adjutant general, who shall be recorder, the state judge advocate general, the three senior commanders of the Kansas army national guard and the senior commander of the Kansas air national guard; there may be three additional members appointed at the discretion of the governor.

(b) The military board shall constitute an advisory board to the commander in chief on military matters and said such board is hereby authorized and empowered to prepare the necessary rules, provisions and regulations, together with such amendments and changes as may be required and made from time to time, and when approved by the commander in chief shall be in full force and effect from the date of their publication in general orders; and.

(c) It shall be the duty of said the board, subject to the approval of the commander in chief, to make such changes in the military organization or organizations of the state from time to time as they deem the board deems for the best interests of the service. Provided, if such changes are in accordance with the laws governing the regular army and regular air force of the United States and the regulations issued by the secretary of defense, department of the army and the department of the air force of the United States.

Sec. 11. K.S.A. 48-216 is hereby amended to read as follows: 48-216. Every commissioned officer of the Kansas national guard shall provide himself or herself with a suitable uniform, arms and equipments within sixty days from date of the commission; but every noncommissioned officer, musician and private shall be furnished with a uniform, arms and equipments free of expense, as hereinafter provided. (a) The uniforms of the Kansas national guard shall conform as nearly as practicable to the undress uniform adopted for the army applicable armed service of the United States, and the governor shall make requisition on the secretary of war defense against the allotment to the state of Kansas by the general government to provide arms and equipment for the militia, from time to time, as uniforms may be required for the purposes provided in this act; and.

(b) The military board shall prescribe the rules and regulations under which said uniforms and equipment shall be issued to and used by the Kansas national guard.

Sec. 12. K.S.A. 48-242 is hereby amended to read as follows: 48-242.
(a) In case of any breach of the peace, tumult, riot, resistance to process in
this state, public disaster or imminent danger thereof, it shall be lawful for
the sheriff of any county or the mayor of any city to call upon the
commander in chief, or in his or her the commander in chief’s absence,
upon the adjutant general, for aid, said.

(b) Such request for aid shall be in writing or by telegraph; and it
shall be the duty of the commander in chief or the adjutant general, if in
that officer’s judgment the circumstances demand military aid, to order
into the active service of the state the available militia in such numbers and
organizations as the conditions require. The commanding officer of such
militia will report to the sheriff or mayor asking aid, and will cooperate
with him or her the sheriff or mayor and the civil authorities, and will
render all assistance in his or her the commanding officer’s power to
preserve the peace and execute the laws of the state.

(c) The commanding officer of such militia called into active service
shall handle and maneuver the command in accordance with his or her the
commanding officer’s own judgment; and if the commanding officer has
reason to believe that the civil authorities are not acting judiciously; or are
not sincerely endeavoring to preserve the peace or execute the laws, the
commanding officer shall at once report the fact to the commander in
chief, by telegraph if possible, and hold himself or herself in readiness to
carry out such instructions as he or she the commanding officer may
receive in response.

Sec. 13. K.S.A. 48-243 is hereby amended to read as follows: 48-243.
The commanding officer of a military organization ordered into active
service shall faithfully perform the duties required of him or her, and such
officer shall not hinder or prevent the civil authorities in a faithful
performance of their duties, nor shall any officer or enlisted person neglect
or refuse to obey the orders of the commanding officer issued in line of
duty. Should any commissioned officer so offend, the officer shall be
subject to trial by court-martial, and shall be liable to a fine of not more
than one hundred dollars, or imprisonment in the county jail for a period
not exceeding six months, and may be dishonorably discharged from the
service; should an enlisted person so offend, he or she shall be liable to a
fine of not less than ten nor more than fifty dollars, or imprisonment in the
county jail for a period not exceeding three months, as may be fixed by the
military court, and may be dishonorably discharged from the service.

Sec. 14. K.S.A. 48-252c is hereby amended to read as follows: 48-
252c. Application for such authority shall be made by the commanding
officer of the military unit or national guard unit to the Kansas highway
patrol superintendent or the division captain in the division where the
military vehicles or convoy will operate. Such application shall:

(a) Identify the military unit or national guard unit whose vehicles
will be using the state roads and highways;

(b) state the name and rank of the commanding officer of the said military unit or national guard unit;

c) set forth the route over which the said military vehicles or convoys will pass;

d) state the anticipated number of vehicles in the convoy; and

e) state the dates and times the vehicles or convoy expects to use such route.

Sec. 15. K.S.A. 48-261 is hereby amended to read as follows: 48-261.

(a) Every member of the Kansas national guard or Kansas state guard herein referred to as "member" shall be entitled to the benefits specified in K.S.A. 48-261 through 48-271, inclusive, and amendments thereto, subject to the conditions specified therein.

(b) The governor shall appoint at least five (5) officers of the Kansas national guard or Kansas state guard, including at least one officer of the medical corps, to the military disability board, which is hereby created. Members of the board shall serve at the pleasure of the governor. Members of the board shall be compensated and permitted allowances in accordance with K.S.A. 75-3201, and amendments thereto. The board shall meet at least annually and determine the percentage of total disability and award compensation for disability or death in accordance with the provisions of K.S.A. 48-261 through 48-271, inclusive, and amendments thereto.

(c) The compensation, reimbursement and other benefits required to be paid for entitlements accruing to members under the provisions of K.S.A. 48-261 through 48-271, inclusive, and amendments thereto shall be paid from amounts allocated therefor from the state emergency fund in accordance with K.S.A. 75-3713b, and amendments thereto. The cost of administration of K.S.A. 48-261 through 48-271, inclusive, and amendments thereto, shall be paid out of amounts appropriated therefor from the state general fund.

(d) The adjutant general shall administer the provisions of K.S.A. 48-261 through 48-271, inclusive, and amendments thereto, and shall adopt rules and regulations to carry out the provisions thereof.

Sec. 16. K.S.A. 48-267 is hereby amended to read as follows: 48-267. Any member, who is entitled to benefits under this act for any wound, injury, disease or illness, and who incurs a permanent disability therefrom shall receive compensation as provided in this section. Entitlement to compensation under this section shall commence at the conclusion of the period specified in K.S.A. 48-266, and amendments thereto, and continue so long as such permanent disability exists. The monthly benefit under this section for total or one hundred percent (100%) disability shall be one hundred twenty dollars ($120) plus twelve and one half percent (12-
$12.5\%$ of the monthly basic pay of the grade or rank held by the member at the time entitlement under this act accrued that the member would be entitled to receive under K.S.A. 48-225, and amendments thereto, if such member were called to active duty by the governor. The monthly benefit under this section for less than one hundred percent (total or 100\%) disability shall be a percent of the amount payable for total disability that is equal to the percent of disability that the member is sustaining. Entitlement under this section and the amount thereof shall be determined by the military disability board. The board shall annually review each award under this section and determine whether such award shall continue unchanged, be reduced, be increased or be terminated.

Sec. 17. K.S.A. 48-269 is hereby amended to read as follows: 48-269.
Whenever a member is entitled to death benefits under this act:
(a) The member's estate shall be paid an amount equal to:
(1) Any reimbursement due the deceased under this act;
(2) the accrued pay and allowances of the deceased; and
(3) the amount of actual funeral expenses of the deceased not to exceed five hundred dollars ($500) $3,500.
(b) The member's surviving spouse shall be paid a monthly compensation equal to one hundred twenty dollars ($120) $850 plus twelve and one half percent ($12.5\%) of the monthly basic pay of the grade or rank held by the member that the deceased member would be entitled to under K.S.A. 48-225, and amendments thereto, if such member were called to active duty by the governor at the time entitlement under this act accrued, until the surviving spouse dies or remarries.
(c) If a member's surviving spouse remarries, the surviving child or children under 18 years of age, or under 21 years of age twenty-one and unmarried and still in school, shall be entitled to compensation as follows:
(1) One such child — $77 $545 per month.
(2) Two such children — $155 $790 per month to each child.
(3) Three such children — $248 $1,340 per month to each child.
(4) More than three such children — to each child per month an amount determined by dividing the sum of $444 $1,020, plus the product of $28 $198 times the number of such children in excess of three, by the total number of children entitled to compensation.
(d) If a member is not married but is survived by a child or children, such children under 18 years of age, or under 21 years of age twenty-one and unmarried and still in school, shall be entitled to compensation as specified in subsection (c) of this section.
(e) The children to which entitled to compensation under subsection (c) and or (d) of this section shall apply shall be the member's surviving children who meet the prescribed conditions on the first day of each
calendar month. Compensation payable under subsection (c) or (d) of this
section shall be paid to the children or guardian as determined by the
military disability board.

(f) If a member is survived by a child or children, such child or
children during the period he or she is under the 22 years of age
of twenty-two years and is unmarried shall be entitled to attend any
college, university, junior college or vocational-technical school which is
postsecondary educational institution as defined in K.S.A. 74-3201b, and
amendments thereto, operated by the state or any county, city, school
district or other political subdivision without being required to pay tuition
or admission fees of any kind: Provided, if such child is otherwise eligible
to enroll in such institution and during the period such child is in good
standing.

Sec. 18. K.S.A. 48-301 is hereby amended to read as follows: 48-301.
(a) The Kansas military board is hereby empowered and directed to erect
or provide, anywhere within the limits of this state; and upon such terms
and conditions as shall be decided upon by the Kansas military board as
most advantageous to the state, armories for the use of the Kansas army or
air national guard. Each such armory shall be used for drill, meeting and
rendezvous purposes by the unit of the national guard occupying such
armory, and such other public functions which the officers in charge
of such armory may deem advisable and proper. Such armories shall also
be opened for meetings and functions of the Grand Army of the Republic,
the Spanish-American War Veterans and their auxiliary organizations.

(b) Subject to the provisions of K.S.A. 48-324, and amendments
thereto, the adjutant general, with the advice of the Kansas military board,
shall adopt rules and regulations establishing a uniform policy governing
rental charges for use of armories for other than national guard purposes in
order to recover the costs incurred for such use.

Sec. 19. K.S.A. 48-509 is hereby amended to read as follows: 48-509.
No person shall be commissioned or enlisted in such forces who is not a
citizen of the United States qualified for commissioning or enlistment as
established by part II, title 10 of the United States code or who has been
dishonorably discharged received a punitive discharge from any military
or naval organization of this state, of another state, or of the United
States.

Sec. 20. K.S.A. 48-516 is hereby amended to read as follows: 48-516.
Members of the Kansas state guard after July 1, 1943, who are actually
present and participate in regular weekly drills provided for by law or
regulations, for not less than one and one half 1/2 hours, shall receive the
following schedule of pay: For each of no more than five such weekly
periods in any one month; private, sixty cents; private first class, seventy
cents; corporal, eighty cents; sergeant, ninety-five cents; staff sergeant and
first sergeant, one dollar; second lieutenant, one dollar and twenty-five cents; first lieutenant, one dollar and fifty cents; captain, two dollars and fifty cents. The rate of pay for a technician fifth grade will be the same as that of a corporal; the rate of pay for a technician fourth grade and a technician third grade will be the same as that of a sergeant appropriate compensation as established by policy, guidance or regulation.


Sec. 22.  This act shall take effect and be in force from and after its publication in the statute book.