

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 292

As Amended by House Committee on Veterans
and Military

Brief*

SB 292, as amended, would create law to authorize the appointment of a State Judge Advocate by the Adjutant General; create and amend law related to death and disability benefits provided to Kansas Air and Army National Guard (Guard) members; and amend law throughout Chapter 48 of the Kansas Statutes Annotated to modernize statutory language, remove outdated statutes, and remove references to trial by court-martial.

State Judge Advocate (New Section 1)

The bill would direct the Adjutant General, with the approval of the Governor, to appoint an officer of the state military forces as State Judge Advocate with the rank of colonel. The Adjutant General would also be authorized to appoint as many assistants to the State Judge Advocate as deemed necessary. The bill would require appointees for the State Judge Advocate and appointees for assistants to the State Judge Advocate to meet the definition of "judge advocate" provided in continuing law.

If the Governor approves, the Adjutant General would be authorized 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 Guard and the U.S. military forces.

Death and Disability Benefits (New Section 2, Sections 15 – 17)

Annual Adjustments

The bill would add provisions requiring the Military Disability Board (Board), beginning July 1, 2025, to adjust the statutory amount of death and disability benefits provided to Guard members every subsequent July 1 based on that year's Consumer Price Index for All Urban Consumers (CPI-U) percentage increase. [Note: The CPI-U, published by the U.S. Bureau of Labor Statistics, is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services and is based on the spending patterns of urban consumers.]

The bill would amend law governing the Board to clarify it is required to meet at least annually to determine percentages for death and disability compensation. The bill would also require Board members be paid a per diem and permitted other allowances.

Monthly Benefit Increases

The bill would increase the monthly benefit awarded to Guard members with a 100-percent disability who are on state active duty to \$850 plus 12.5 percent of their monthly basic pay. Current law provides such benefit is \$120 plus 12.5 percent of the member's monthly basic pay.

The bill would also increase the monthly benefit for a surviving spouse of an eligible deceased member in the same manner as previously described. The bill would increase monthly benefit amounts to surviving children of an eligible deceased member as follows:

- One child: \$545 (currently \$77);
- Two children: \$390 per child (currently \$55);
- Three children: \$340 per child (currently \$48);
- More than three children: For each child, an amount determined by dividing the sum of \$1,020 (currently \$144), plus the product of \$198 (currently \$28) times the number of children in excess of three, by the total number of children entitled to compensation.

Authority of Adjutant General to Appoint Assistant Adjutants General (Section 6)

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 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 or unable, or when such senior assistant is expressly directed to perform such duties.

The bill would remove language pertaining to the Adjutant General's authority over state, federal, and public

property, including the state arsenal. The bill would also remove authority for the Adjutant General to appoint a finance and disbursing officer.

U.S. Property and Disbursing Officer (Section 7)

The bill would replace provisions outlining the duties of the finance and disbursing officer to instead provide for a U.S. Property and Disbursing Officer (Officer), whose position is 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 Guard. The Officer would perform additional duties and exercise power and authority as is assigned by the Adjutant General, or as is vested in the Officer by federal regulation.

The bill would further specify that federal funds would be used to pay the salary of the Officer and the salaries of other employees necessary for the discharge of these duties. When such federal funds are not available, state funds would be used.

Uniforms, Arms, and Equipment (Section 11)

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

Failure to Obey Lawful Orders (Section 13)

The bill would clarify that officers and enlisted persons must obey lawful orders issued by commanding officers. The bill would remove penalties for officers and enlisted persons who do not faithfully perform their duties.

Establishment and Use of Armories (Section 18)

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 Guard Members after July 1, 1943 (Section 20)

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.

Trail by Court Martial

The bill would remove all references to trial by court martial in statutes governing the Guard.

Technical Amendments

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 amend law concerning qualifications for service to exclude individuals punitively, rather than dishonorably, discharged from naval, air, or space components of state or territories, Puerto Rico, or the District of Columbia.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Longbine. [Note: HB 2230, stricken from the House Calendar on February 23, 2023, contained many of the same provisions.]

Senate Committee on Judiciary

In the Senate Committee hearing on February 8, 2024, the State Staff Judge Advocate, Kansas Adjutant General's Department (TAG), testified as a proponent of the bill, stating the bill provides needed updates to statutes guiding organizational and administrative functions of the Guard. No other testimony was provided.

The Senate Committee adopted a technical amendment to update dates throughout the bill due to the bill having been introduced in the 2023 Legislative Session.

House Committee on Veterans and Military

In the House Committee hearing on March 5, 2024, proponent testimony was provided by Representative Johnson and the State Staff Judge Advocate, TAG. **Proponents** generally noted the significance of adjusting death and disability benefits for Guard members. No other testimony was provided.

The House Committee amended to bill to:

- Add "lawful" to the type of order that officers and enlisted persons must obey;
- Add air and space component, Puerto Rico, and the District of Columbia to the military organizations for which punitive discharge results in disqualification for service.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, TAG indicates enactment of the bill would have a fiscal effect on the agency if a death or disability occurs, but the effect cannot be

determined. TAG notes benefits are paid with state disaster funds. Any fiscal effect associated with enactment of the bill was not reflected in *The FY 2024 Governor's Budget Report*.

Veterans and military; Kansas Army and Air National Guard; state judge advocate; death and disability benefits