

**SENATE BILL No. 292**

By Committee on Federal and State Affairs

3-6

1 AN ACT concerning veterans and military; updating certain provisions  
2 related to the Kansas army and air national guard; providing for the  
3 appointment of a state judge advocate; increasing monthly disability  
4 and death benefits; providing for the adjustment of such disability and  
5 death benefits; amending K.S.A. 48-101, 48-202, 48-205, 48-206, 48-  
6 209, 48-211, 48-214, 48-216, 48-242, 48-243, 48-252c, 48-261, 48-  
7 267, 48-269, 48-301, 48-509 and 48-516 and K.S.A. ~~2022~~ **2023** Supp.  
8 48-204 and repealing the existing sections; also repealing K.S.A. 48-  
9 103, 48-219, 48-221, 48-222, 48-223, 48-228, 48-237 and 48-252.

10

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

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

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

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

27 New Sec. 2. The benefits amounts specifically identified in K.S.A.  
28 48-267 and 48-269, and amendments thereto, shall be adjusted by the  
29 military disability board, as defined in K.S.A. 48-261, and amendments  
30 thereto, to commence on July 1, ~~2024~~ **2025**, and each July 1 thereafter by a  
31 percentage equal to the percentage increase from the previous calendar  
32 year in the consumer price index for all urban consumers as published by  
33 the bureau of labor statistics of the United States department of labor.

34 Sec. 3. K.S.A. 48-101 is hereby amended to read as follows: 48-101.  
35 All persons subject to military duty under the constitution of this state and  
36 not exempt therefrom by the provisions of this act, and such other persons

1 as shall voluntarily enroll themselves, shall be divided into three ~~(3)~~  
2 classes, ~~to wit:~~ One consisting of the federally recognized national guard,  
3 ~~which shall~~ to be known as the "Kansas army and air national guard"; one  
4 consisting of those able-bodied ~~male~~ citizens prescribed and contemplated  
5 in article 8 of the constitution of ~~this~~ the state of *Kansas* not in the "Kansas  
6 army and air national guard" ~~which shall~~ to be known as "the militia"; and  
7 one to consist of all those subject to military duty, but not included in the  
8 "Kansas army and air national guard" or "the militia," to be known as the  
9 "Kansas military reserve."

10 Sec. 4. K.S.A. 48-202 is hereby amended to read as follows: 48-202.  
11 All staff officers of the Kansas national guard, including officers of the  
12 pay, inspection, subsistence; and medical departments, ~~hereafter appointed~~  
13 shall have had previous military experience; and shall hold their positions  
14 until they ~~shall~~ have reached ~~the age of sixty-four~~ 64 years of age, unless  
15 retired prior to that time by reason of resignation, disability; or for cause ~~to~~  
16 ~~be determined by a court-martial legally convened for that purpose; and.~~  
17 All vacancies among ~~said~~ such officers shall be filled by appointment from  
18 the officers of the militia of Kansas. Nothing in this section shall be  
19 construed or operate to limit the provisions of any federal law relative to  
20 the qualifications for appointment of officers or the filling of vacancies.

21 Sec. 5. K.S.A. ~~2022~~ 2023 Supp. 48-204 is hereby amended to read as  
22 follows: 48-204. (a) The adjutant general shall:

23 (1) Be in control of the military department of the state and  
24 subordinate only to the governor in matters pertaining to the department;

25 (2) have general supervision over all the subordinate military  
26 departments, ~~to include~~ including the department of the army national  
27 guard and the department of the air national guard;

28 (3) perform such duties as pertain to the adjutant general's department  
29 under the regulations and usage of the army of the United States;

30 (4) superintend the preparation of all returns and reports required by  
31 the United States from the state;

32 (5) require a certificate of the military service to be furnished, in  
33 accordance with K.S.A. 73-209, and amendments thereto, to any soldier  
34 who has served in the army in any of the state military organizations; and

35 (6) audit and pass upon all claims of a military character against the  
36 state, and no contract of a military nature against the state shall be valid or  
37 paid until approved by the adjutant general.

38 (b) The adjutant general is authorized to:

39 (1) Adopt regulations pertaining to the preparation and rendering of  
40 reports and returns and to the care and preservation of public property as in  
41 the adjutant general's opinion the conditions demand, ~~which and such~~  
42 regulations shall be operative and in force when promulgated in the form  
43 of general orders, circulars or circular letters;

- 1 (2) administer oaths in matters pertaining to the duties of the office as  
2 relates to:
- 3 (A) Claims against the state;
- 4 (B) the organization of boards of survey, ~~courts-martial~~ and courts of  
5 inquiry;
- 6 (C) affidavits covering loss of military property belonging to the state  
7 or the United States;
- 8 (D) oaths of office of officers of the Kansas national guard;
- 9 (E) statements and reports required from officers pertaining to  
10 property and money accountability and expenditures; and
- 11 (F) any other official military matters coming before the adjutant  
12 general;
- 13 (3) adopt an appropriate seal for use in the office, to be affixed to all  
14 oaths that the adjutant general administers under authority of law, and to  
15 authenticate all certificates required of the adjutant general;
- 16 (4) appoint such officers as necessary as security officers for the  
17 protection of all national guard property and equipment, owned by or  
18 under the control of the Kansas national guard wherever located in the  
19 state of Kansas, including when transported over public roads or located  
20 on temporary national guard sites, and for the protection of persons and  
21 property associated with the national guard; and
- 22 (5) appoint law enforcement officers to serve under the command of  
23 the adjutant general.
- 24 (c) (1) Those members of the adjutant general's department who are  
25 appointed as law enforcement officers must meet the requirements of the  
26 Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623,  
27 and amendments thereto.
- 28 (2) A law enforcement officer engaged in the protective functions  
29 specified in subsection (b)(4) shall possess and exercise all general law  
30 enforcement powers, rights, privileges, protections and immunities in  
31 every county where there is located any Kansas national guard property.  
32 All persons arrested by a law enforcement officer may be turned over to  
33 the appropriate local police or county sheriff in whose jurisdiction the  
34 offense was committed to be processed in the same manner as other  
35 persons turned over to such police or sheriff or may book such arrested  
36 person at the jail in the jurisdiction of the arrest. Such law enforcement  
37 officer shall complete any required reports, arrest affidavits and other  
38 documents associated with the arrest. These reports shall be kept on file  
39 with the office of the adjutant general, unless a memorandum of agreement  
40 with the local law enforcement agency specifies otherwise.
- 41 (3) While on duty, security officers or law enforcement officers  
42 appointed pursuant to subsection (b)(4) or (b)(5), as applicable, shall wear  
43 and display publicly a badge of office.

1       Sec. 6. K.S.A. 48-205 is hereby amended to read as follows: 48-205.  
2       ~~The adjutant general shall have immediate charge of the state arsenal~~  
3       ~~under the supervision of the governor. The adjutant general shall have~~  
4       ~~charge and care of all state and United States military property for which~~  
5       ~~the state is responsible and shall cause to be kept an accurate and careful~~  
6       ~~account of all receipts and issues of the same. He or she shall require to be~~  
7       ~~kept a careful memorandum of all public property on hand in the state~~  
8       ~~arsenal and in the possession of the several organizations of the Kansas~~  
9       ~~army and air national guard, or Kansas state guard and will guard said~~  
10       ~~property against injury and loss to the extent of his or her ability; The~~  
11       ~~adjutant general shall require every accountable and responsible officer of~~  
12       ~~the Kansas army and air national guard, or Kansas state guard to account~~  
13       ~~for every deficiency in public property in such officer's possession~~  
14       ~~immediately after such deficiency is discovered.~~

15       ~~(a) The adjutant general may appoint two~~ *assign the number of*  
16       ~~assistant adjutants general who may have the rank of brigadier general~~  
17       ~~when they are assigned as head of the department of the army national~~  
18       ~~guard or the department of the air national guard, and who shall have~~  
19       ~~served at least five years as commissioned officers in the Kansas army or~~  
20       ~~air national guard who shall be within the classified service of the Kansas~~  
21       ~~civil service act. The office of one of the assistant adjutants general will be~~  
22       ~~with the adjutant general, and the assistant shall assist the adjutant general~~  
23       ~~in the performance of such duties as may be assigned to him or her and the~~  
24       ~~assistant may perform the duties of the adjutant general in the case of~~  
25       ~~absence, inability, or by express direction of the latter, and at such time the~~  
26       ~~assistant will sign as "acting adjutant general." He or she may appoint one~~  
27       ~~special assistant adjutant general, with the rank of colonel, who shall have~~  
28       ~~served at least five years as a commissioned officer with the Kansas~~  
29       ~~national guard and who shall be within the classified service of the Kansas~~  
30       ~~civil service act; and one judge advocate general, with the rank of colonel.~~  
31       ~~The adjutant general may, with the approval of the governor, promote a~~  
32       ~~judge advocate general who has served thirty (30) or more years of~~  
33       ~~combined service in the Kansas national guard and United States military~~  
34       ~~forces, with the rank of colonel for at least ten (10) years, to the rank of~~  
35       ~~brigadier general. Subject to the approval of the governor, and, within the~~  
36       ~~provisions of the civil service law and available appropriations, the~~  
37       ~~adjutant general may appoint one finance and disbursing officer with the~~  
38       ~~rank of colonel, who acts as disbursing officer for the state; and such other~~  
39       ~~assistants and clerical employees as may be necessary to carry out properly~~  
40       ~~the provisions of this act~~ *from the ground forces and air forces of this state*  
41       ~~who are authorized by national guard bureau rules and regulations.~~

42       ~~(b) The assistant adjutants general shall, if they qualify therefor, hold~~  
43       ~~military rank as may be authorized and approved for the positions by the~~

1 national guard bureau of the United States. The assistant adjutants  
2 general, at the time of their appointment, shall have served at least five  
3 years as commissioned officers in the Kansas army or air national guard.

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

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

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

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

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

37 (c) Such United States property and disbursing officer shall secure,  
38 receive, disburse, issue and account for all United States funds, arms,  
39 uniforms, equipment and supplies as requested by the governor for use by  
40 the organized militia. The property and disbursing officer shall maintain  
41 complete and accurate records, in the manner prescribed by federal  
42 regulations, of all funds and property granted or loaned to the state for  
43 use by the organized militia, and such records shall constitute the official

1 *records of the federally owned military property for which the state shall*  
2 *be responsible to the United States. The property and disbursing officer*  
3 *shall perform such additional duties and exercise such powers and*  
4 *authority as may be vested in such officer by federal regulations, or as*  
5 *may be assigned by the adjutant general. Such officer shall be provided*  
6 *assistants and clerical, stenographic, shop, technical and warehouse*  
7 *personnel as may be necessary to properly discharge such officer's duties.*

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

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

17 Sec. 8. K.S.A. 48-209 is hereby amended to read as follows: 48-209.  
18 All officers of the Kansas army and air national guard in the line and in all  
19 of the departments and corps, shall hold their positions until they have  
20 reached ~~the age of sixty-four (64)~~ years of age unless ~~the same shall have~~  
21 ~~been~~ officer was terminated according to federal law. Upon the  
22 recommendation of the adjutant general, the governor may order any  
23 person on the state retired list to active service of the state for the purpose  
24 of serving on military ~~courts or~~ boards or performing staff duty in or with  
25 the active militia and in time of emergency to perform any military duty in  
26 or with the active militia. In any such case, the person so ordered shall  
27 rank in ~~his or her~~ grade from the date of such order. Pay and allowances  
28 while on active service of the state shall be as provided for in K.S.A. 48-  
29 225, ~~or any~~ and amendments thereto, except that time spent on the state  
30 retired list shall not be credited in the computation of seniority or pay.

31 Sec. 9. K.S.A. 48-211 is hereby amended to read as follows: 48-211.  
32 (a) Enlisted personnel of the Kansas army and air national guard who are  
33 unable, on account of permanent physical disability, to perform the duties  
34 required ~~of them~~ shall be discharged from the military service of the state  
35 under such regulations ~~as shall be~~ promulgated by the military board. All  
36 commissioned officers, warrant officers, and noncommissioned officers  
37 who have reached ~~the age of~~ 64 years of age and those who are found to be  
38 permanently disabled through no fault of their own shall be retired from  
39 active service and placed on the retired list; ~~and~~. Those who have served  
40 10 years, honorably, in the military service of the United States or in any  
41 state or territory thereof and shall make application for the same may be  
42 placed upon the retired list.

43 (b) All members of the Kansas army and air national guard shall be

1 exempt from jury duty during ~~the annual muster and camp instruction~~  
2 *training*, during the time the member is ordered by the governor to  
3 perform active state service under K.S.A. 48-238 or 48-241, *and*  
4 *amendments thereto*, or during the time the member is ordered to perform  
5 active state service under K.S.A. 48-242, *and amendments thereto*.

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

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

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

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

27 Sec. 11. K.S.A. 48-216 is hereby amended to read as follows: 48-216.

28 ~~Every commissioned officer of the Kansas national guard shall provide~~  
29 ~~himself or herself with a suitable uniform, arms and equipments within~~  
30 ~~sixty days from date of the commission; but every noncommissioned~~  
31 ~~officer, musician and private shall be furnished with a uniform, arms and~~  
32 ~~equipments free of expense, as hereinafter provided: (a) The uniforms of~~  
33 ~~the Kansas national guard shall conform as nearly as practicable to the~~  
34 ~~undress uniform adopted for the army applicable armed service of the~~  
35 ~~United States, and the governor shall make requisition on the secretary of~~  
36 ~~war defense against the allotment to the state of Kansas by the general~~  
37 ~~government to provide arms and equipment for the militia, from time to~~  
38 ~~time, as uniforms may be required for the purposes provided in this act;~~  
39 ~~and.~~

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

43 Sec. 12. K.S.A. 48-242 is hereby amended to read as follows: 48-242.

1 (a) In case of any breach of the peace, tumult, riot, resistance to process in  
2 this state, public disaster or imminent danger thereof, it shall be lawful for  
3 the sheriff of any county or the mayor of any city to call upon the  
4 commander in chief, or in ~~his or her~~ *the commander in chief's* absence,  
5 upon the adjutant general, for aid; ~~said~~.

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

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

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

38 Sec. 14. K.S.A. 48-252c is hereby amended to read as follows: 48-  
39 252c. Application for such authority shall be made by the commanding  
40 officer of the military unit or national guard unit to the Kansas highway  
41 patrol superintendent or the division captain in the division where the  
42 military vehicles or convoy will operate. Such application shall:

43 (a) Identify the military unit or national guard unit whose vehicles



1 will be using the state roads and highways;

2 (b) state the name and rank of the commanding officer of ~~the said~~  
3 *such* military unit or national guard unit;

4 (c) set forth the route over which ~~the said~~ *such* military vehicles or  
5 convoys will pass;

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

7 (e) state the ~~date(s)~~ *dates* and ~~time(s)~~ *times* the vehicles or convoy  
8 expects to use such route.

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

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

14 (b) The governor shall appoint at least five ~~(5)~~ officers of the Kansas  
15 national guard or Kansas state guard, including at least one ~~(1)~~ officer of  
16 the medical corps, to the military disability board, which is hereby created.  
17 Members of the board shall serve at the pleasure of the governor. *Members*  
18 *of the board shall be compensated and permitted allowances in*  
19 *accordance with K.S.A. 75-3201, and amendments thereto.* The board shall  
20 *meet at least annually and* determine the percentage of total disability and  
21 award compensation for disability or death in accordance with the  
22 provisions of K.S.A. 48-261 ~~to through~~ 48-271, ~~inclusive~~, and  
23 amendments thereto.

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

32 (d) The adjutant general shall administer the provisions of K.S.A. 48-  
33 261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto, and shall adopt  
34 rules and regulations to carry out the provisions thereof.

35 Sec. 16. K.S.A. 48-267 is hereby amended to read as follows: 48-267.  
36 Any member, who is entitled to benefits under this act for any wound,  
37 injury, disease or illness; and who incurs a permanent disability therefrom  
38 shall receive compensation as provided in this section. Entitlement to  
39 compensation under this section shall commence at the conclusion of the  
40 period specified in K.S.A. 48-266, *and amendments thereto*, and continue  
41 so long as such permanent disability exists. The monthly benefit under this  
42 section for total or ~~one hundred percent (100%)~~ disability shall be ~~one~~  
43 ~~hundred twenty dollars (\$120)~~ \$850 plus ~~twelve and one-half percent (12-~~

1 ~~1/2%) 12.5%~~ of the monthly basic pay ~~of the grade or rank held by the~~  
 2 ~~member at the time entitlement under this act accrued~~ *that the member*  
 3 ~~would be entitled to receive~~ *receive* under K.S.A. 48-225, and amendments  
 4 *thereto, if such member were called to active duty by the governor.* The  
 5 monthly benefit under this section for less than ~~one hundred percent~~ (~~total~~  
 6 ~~or 100%~~) disability shall be a percent of the amount payable for total  
 7 disability that is equal to the percent of disability that the member is  
 8 sustaining. Entitlement under this section and the amount thereof shall be  
 9 determined by the military disability board. The board shall annually  
 10 review each award under this section and determine whether ~~it~~ *such award*  
 11 shall continue unchanged, be reduced, be increased or be terminated.

12 Sec. 17. K.S.A. 48-269 is hereby amended to read as follows: 48-269.

13 Whenever a member is entitled to death benefits under this act:

14 (a) The member's estate shall be paid an amount equal to:

15 (1) Any reimbursement due the deceased under this act;

16 (2) the accrued pay and allowances of the deceased; and

17 (3) the amount of actual funeral expenses of the deceased not to  
 18 exceed ~~five hundred dollars (\$500)~~ \$3,500.

19 (b) The member's surviving spouse shall be paid a monthly  
 20 compensation equal to ~~one hundred twenty dollars (\$120)~~ \$850 plus  
 21 ~~twelve and one-half percent (12 1/2%)~~ 12.5% of the monthly basic pay ~~of~~  
 22 ~~the grade or rank held by the member~~ *that the deceased member would be*  
 23 *entitled to under K.S.A. 48-225, and amendments thereto, if such member*  
 24 *were called to active duty by the governor at the time entitlement under*  
 25 *this act accrued, until the surviving spouse dies or remarries.*

26 (c) If a member's surviving spouse remarries, the surviving child or  
 27 children under ~~18 years of age~~ ~~eighteen~~, or under ~~21 years of age~~ ~~twenty-~~  
 28 ~~one~~ and unmarried and still in school, shall be entitled to compensation as  
 29 follows:

30 (1) One such child — ~~\$77~~ \$545 per month.

31 (2) Two such children — ~~\$55~~ \$390 per month to each child.

32 (3) Three such children — ~~\$48~~ \$340 per month to each child.

33 (4) More than three such children — to each child per month an  
 34 amount determined by dividing the sum of ~~\$144~~ \$1,020, plus the product  
 35 of ~~\$28~~ \$198 times the number of such children in excess of three, by the  
 36 total number of children entitled to compensation.

37 (d) If a member is not married but is survived by a child or children,  
 38 such children under ~~18 years of age~~ ~~eighteen~~, or under ~~21 years of age~~ ~~twenty-~~  
 39 ~~one~~ and unmarried and still in school, shall be entitled to  
 40 compensation as specified in subsection (c) ~~of this section~~.

41 (e) The children ~~to which~~ *entitled to compensation under* subsection  
 42 (c) ~~and or (d) of this section shall apply~~ shall be the member's surviving  
 43 children who meet the prescribed conditions on the first day of each

1 calendar month. Compensation payable under subsection (c) or (d) of this  
2 ~~section~~ shall be paid to the children or guardian as determined by the  
3 military disability board.

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

14 Sec. 18. K.S.A. 48-301 is hereby amended to read as follows: 48-301.

15 (a) The Kansas military board is hereby empowered and directed to erect  
16 or provide, anywhere within the limits of this state; *and* upon such terms  
17 and conditions ~~as shall be~~ decided upon by the Kansas military board as  
18 most advantageous to the state, armories for the use of the Kansas army or  
19 air national guard. Each such armory shall be used for drill, meeting and  
20 rendezvous purposes by the unit of the national guard occupying such  
21 armory; and such other public functions ~~which~~ *that* the officers in charge  
22 of such armory may deem advisable and proper. ~~Such armories shall also~~  
23 ~~be opened for meetings and functions of the Grand Army of the Republic,~~  
24 ~~the Spanish-American War Veterans and their auxiliary organizations.~~

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

30 Sec. 19. K.S.A. 48-509 is hereby amended to read as follows: 48-509.

31 No person shall be commissioned or enlisted in such forces who is not a  
32 ~~citizen of the United States~~ *qualified for commissioning or enlistment as*  
33 *established by part II, title 10 of the United States code* or who has ~~been~~  
34 ~~dishonorably discharged~~ *received a punitive discharge* from any military  
35 or naval organization of this state, ~~or of another state; or of the United~~  
36 States.

37 Sec. 20. K.S.A. 48-516 is hereby amended to read as follows: 48-516.

38 Members of the Kansas state guard after July 1, 1943, who are actually  
39 present and participate in regular weekly drills provided for by law or  
40 regulations, for not less than ~~one and one-half~~  $1\frac{1}{2}$  hours, shall receive ~~the~~  
41 ~~following schedule of pay:~~ For each of no more than five such weekly  
42 periods in any one month; private, sixty cents; private first class, seventy  
43 cents; corporal, eighty cents; sergeant, ninety-five cents; staff sergeant and

1 ~~first sergeant, one dollar; second lieutenant, one dollar and twenty-five~~  
2 ~~cents; first lieutenant, one dollar and fifty cents; captain, two dollars and~~  
3 ~~fifty cents. The rate of pay for a technician fifth grade will be the same as~~  
4 ~~that of a corporal; the rate of pay for a technician fourth grade and a~~  
5 ~~technician third grade will be the same as that of a sergeant *appropriate*~~  
6 ~~*compensation as established by policy, guidance or regulation.*~~

7 Sec. 21. K.S.A. 48-101, 48-103, 48-202, 48-205, 48-206, 48-209, 48-  
8 211, 48-214, 48-216, 48-219, 48-221, 48-222, 48-223, 48-228, 48-237, 48-  
9 242, 48-243, 48-252, 48-252c, 48-261, 48-267, 48-269, 48-301, 48-509  
10 and 48-516 and K.S.A. ~~2022~~ **2023** Supp. 48-204 are hereby repealed.

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