

SENATE Substitute for HOUSE BILL No. 2518

AN ACT concerning the Kansas national guard; providing for certain death benefits; making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008 and June 30, 2009, for state agencies; amending K.S.A. 75-3713b and section 47 of 2005 Senate Substitute for House Bill No. 2482 and repealing the existing sections.

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

New Section 1. (a) In addition to any other benefits provided to members of the Kansas national guard, the state of Kansas shall provide an aggregate death benefit in the amount of \$250,000 to the beneficiary or beneficiaries of each member of the Kansas national guard who, after November 1, 2004, and prior to July 1, 2007, dies as a result of federal active duty in a combat area in the line of duty. The death benefit provided by this section shall not be payable in any such case if such member dies as a result of committing suicide.

(b) The death benefit provided by this section shall be paid from amounts allocated therefor from the state emergency fund in accordance with K.S.A. 75-3713b, and amendments thereto.

(c) If such member has not designated one or more beneficiaries in accordance with the policies and procedures or rules and regulations adopted by the adjutant general for such death benefit, then a death benefit payable for such member's death pursuant to this section shall be paid into such member's estate and shall be disbursed or otherwise distributed as provided by law as part of such estate.

(d) For the purpose of carrying out the provisions of this section, the adjutant general shall adopt policies and procedures for the designation of a beneficiary or beneficiaries and for payment of the death benefit provided by this section and may adopt rules and regulations to carry out the provisions of this section.

(e) The death benefit provided by this section shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state.

Sec. 2. Section 47 of 2005 Senate Substitute for House Bill No. 2482 is hereby amended to read as follows:

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures	
For the fiscal year ending June 30, 2005.....	\$50,000
For the fiscal year ending June 30, 2006.....	\$166,675
Disaster relief	
For the fiscal year ending June 30, 2006.....	\$3,500,000

*Provided*, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2005, is hereby reappropriated for fiscal year 2006. In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006, notwithstanding the provisions of K.S.A. 48-205 and amendments thereto or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law: *Provided further*, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *And provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2006 made by this or other appropriation act of the 2005 regular session of the legislature.

(b) There is appropriated for the above agency from the following spe-

cial revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund

For the fiscal year ending June 30, 2006.....	No limit
Comprehensive armory construction and rehabilitation fund	
For the fiscal year ending June 30, 2007.....	No limit
For the fiscal year ending June 30, 2008.....	No limit
For the fiscal year ending June 30, 2009.....	No limit

*Provided*, That the adjutant general is hereby authorized to make expenditures from the comprehensive armory construction and rehabilitation fund for capital improvement projects for acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories or for payment of debt service on revenue bonds issued to finance such projects: *Provided further*, That the adjutant general may make expenditures from this fund for the payment of debt service on revenue bonds issued to finance such projects: *And provided further*, That prior to the issuance of any bonds authorized by this section or making first expenditure from this fund for any such capital improvement project, the adjutant general shall pursue the availability of alternative funding from local, state, federal and private funding sources for all or part of the costs of such capital improvement project and shall report to the state finance council concerning such capital improvement project and the proposed issuance of bonds for such project: *And provided further*, That such report to the state finance council shall specifically include information about the proposed utilization of bond proceeds for such capital improvement project and the availability and use of other sources including local, state, federal and private funds for such project: *And provided further*, That capital improvement projects for the acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of armories are hereby approved for the adjutant general for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of one or more series of revenue bonds by the Kansas development finance authority in accordance with that statute, except that no bonds shall be issued for any such capital improvement project except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto, except that approval by the state finance council may be given when the legislature is in session: *And provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed \$9,000,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects and any required reserves for payment of principal and interest on any such bonds: *And provided further*, That bonds authorized to be issued pursuant to this section shall not exceed (1) the amount of \$3,000,000 for the fiscal year ending June 30, 2007, (2) the amount of \$3,000,000 for the fiscal year ending June 30, 2008, (3) the amount of \$3,000,000 for the fiscal year ending June 30, 2009: *And provided further*, That all moneys received from issuance of any such bonds shall be deposited in the state treasury and credited to this fund.

~~(c) In addition to the other purposes for which expenditures may be made by the adjutant general from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by section 131 of 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to adopt policies and procedures for the administration and implementation of the payment of a death benefit in the amount of \$125,000 to the beneficiary or beneficiaries of each member of the Kansas national guard who, after November 1, 2004, dies as a result of federal active duty in a combat area in the line of duty, which death benefit is hereby authorized to be paid to the beneficiary or beneficiaries of such member pursuant to this subsection from an allocation to the adjutant general from the state emergency fund made by the state finance council~~

for such purpose pursuant to this subsection: *Provided*, That such death benefit shall not be payable in any such case if such member dies as a result of committing suicide. *Provided further*, That such death benefit shall be in addition to all other benefits provided to members of the Kansas national guard. *And provided further*, That, if such member has not designated one or more beneficiaries in accordance with the policies and procedures adopted by the adjutant general for such death benefit pursuant to this subsection, then a death benefit payable for such member's death pursuant to this subsection shall be paid into such member's estate and shall be disbursed or otherwise distributed as provided by law as part of such estate. *And provided further*, That the payment of a death benefit pursuant to this subsection shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711e and amendments thereto; except that such approval shall be by unanimous vote of all of the members of the state finance council. *And provided further*, That the payment of a death benefit pursuant to this subsection shall be made by the adjutant general from the allocation to the adjutant general from the state emergency fund by the state finance council for such purpose pursuant to this subsection. *And provided further*, That, upon a determination by the director of the budget that the unencumbered balance in the state emergency fund is insufficient to pay a death benefit pursuant to this subsection during fiscal year 2006, the director of the budget shall certify that determination to the director of accounts and reports and, at the same time, the director of the budget shall transmit a copy of such certification to the director of the legislative research department. *And provided further*, That, upon receipt of such certification by the director of the budget, the director of accounts and reports shall transfer an amount equal to the insufficient amount from the state general fund to the state emergency fund, except that the total of all amounts transferred during fiscal year 2006 pursuant to this section and all amounts transferred during fiscal year 2006 pursuant to subsection (b) of K.S.A. 2004 Supp. 75-3712, and amendments thereto, shall not exceed \$10,000,000.

—(d) (c) (1) There is appropriated for the above agency from the state general fund as a death benefit for Kansas national guard members who died as a result of federal active duty in a combat area, to the following national guard members' beneficiaries for the fiscal year or years specified, the following:

Janet K. Wisdom  
915 N. 5th  
Atchison, KS 66002

For the fiscal year ending June 30, 2006..... ~~\$125,000~~      \$250,000

*Provided*, That any unencumbered balance in the Janet K. Wisdom, 915 N. 5th, Atchison, KS 66002 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

Kristy A. Clary  
3307 Newport RD  
St. Joseph, MO 64505

For the fiscal year ending June 30, 2006..... ~~\$125,000~~      \$250,000

*Provided*, That any unencumbered balance in the Kristy A. Clary, 3307 Newport RD, St. Joseph, MO 64505 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

Ronald E. Lutters  
626 West 9th  
Goodland, KS 67735

For the fiscal year ending June 30, 2006.....                      \$125,000

*Provided*, That any unencumbered balance in the Ronald E. Lutters, 626 West 9th, Goodland, KS 67735 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

Marian H. Lutters  
279 11th ST  
Burlington, CO 80807

For the fiscal year ending June 30, 2006.....                      \$125,000

*Provided, That any unencumbered balance in the Marian H. Lutters, 279 11th ST, Burlington, CO 80807 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.*

(2) The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this subsection ~~(d)~~ (c), upon vouchers duly executed by the adjutant general ~~directed~~, to pay the amounts specified to the claimants or their legal representatives or duly authorized agents, as provided by law.

(3) *The death benefit provided by this subsection shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state.*

Sec. 3. K.S.A. 75-3713b is hereby amended to read as follows: 75-3713b. (a) By unanimous vote of all of its members, the state finance council is hereby authorized and empowered to make allocations to, and authorize expenditures by, the adjutant general from the state emergency fund for the following purposes, subject to the limitations hereinafter imposed directly or by reference:

(1) The payment of claims for entitlements under K.S.A. 48-265, 48-266, 48-267 or 48-269, and amendments thereto, which accrue to members of the Kansas national guard or the Kansas state guard in accordance with and subject to the provisions of K.S.A. 48-261 to 48-271, inclusive, and amendments thereto; ~~and~~

(2) the payment of any expenses or other amounts required to be paid which arise under the national guard mutual assistance compact in accordance with and subject to the provisions of said compact and K.S.A. 48-1701 to 48-1703, inclusive, and amendments thereto; *and*

(3) *the payment of death benefits pursuant to section 1, and amendments thereto.*

(b) The exercise of functions specified in subsection (a) are hereby declared to be matters characterized as legislative delegations. Such functions may be exercised by the state finance council only when the legislature is not in session and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, *and amendments thereto.*

Sec. 4. K.S.A. 75-3713b and section 47 of 2005 Senate Substitute for House Bill No. 2482 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in  
SENATE amendments \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*