

HOUSE BILL No. 2656

By Committee on Veterans, Military and Homeland Security

2-12

1 AN ACT concerning the military; relating to service members;
2 reimbursement of death gratuity payments during a federal government
3 shutdown; duties of the adjutant general.
4

5 WHEREAS, The federal government shutdown in 2013 delayed the
6 payment of death gratuity benefits to the survivors of more than 25 United
7 States service members; and
8

9 WHEREAS, The state of Kansas honors all service members who have
10 died in service of their country; and
11

12 WHEREAS, The state of Kansas pledges to assist the families of its
13 fallen Kansas military service members during their time of need in the
14 event of a future federal government shutdown: Now, therefore,
15

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

17 Section 1. (a) On and after January 1, 2015, when a federal
18 government shutdown occurs and an eligible Kansas military service
19 member is killed, the costs of the death gratuity shall be paid by the
20 adjutant general. The adjutant general shall be reimbursed for the cost of
21 the death gratuity once the federal government has reopened and pays the
22 death gratuity. The adjutant general shall develop and implement a
23 procedure to provide such reimbursements on or before January 1, 2015.

24 (b) To provide for the payments of the costs of paying the death
25 gratuities described in subsection (a), the pooled money investment board
26 is authorized and directed to loan to the adjutant general sufficient funds
27 therefor. The pooled money investment board is authorized and directed to
28 use any moneys in the operating accounts, investment accounts, or other
29 investments, of the state of Kansas to provide the funds for such loans.
30 There shall be no interest on these loans.

31 (c) The loan principal shall be payable solely from reimbursements
32 received by the adjutant general for death gratuity payments paid by the
33 state of Kansas during a federal government shutdown.

34 (d) The loan shall not be deemed to be an indebtedness or debt of the
35 state of Kansas within the meaning of section 6 of article 11 of the
36 constitution of the state of Kansas.

1 (e) There is hereby created in the state treasury the adjutant general
2 death gratuity payment facilitation fund. From and after January 1, 2015,
3 the adjutant general may periodically certify to the pooled money
4 investment board amounts to be transferred pursuant to this subsection.
5 Upon certification to the pooled money investment board by the adjutant
6 general of the amounts authorized by subsection (b), the pooled money
7 investment board shall transfer amounts certified by the adjutant general
8 from the state bank accounts described in subsection (b) to the adjutant
9 general death gratuity payment facilitation fund.

10 (f) All expenditures pursuant to this section, from the adjutant general
11 death gratuity payment facilitation fund shall be made in accordance with
12 appropriation acts upon warrants of the director of accounts and reports
13 issued pursuant to vouchers approved by the adjutant general, or the
14 adjutant general's designee.

15 (g) During a federal government shutdown, the adjutant general shall:

16 (1) Pay the death gratuity to the Kansas military service member's
17 survivor, as designated by the Kansas military service member pursuant to
18 the provisions of 10 U.S.C. § 1477(a), as in effect on July 1, 2014. If an
19 eligible Kansas military service member does not designate a survivor or
20 designates only a portion of the death gratuity to be paid to the survivor,
21 the amount of the death gratuity not covered by a designation shall be paid
22 in accordance with the provisions of 10 U.S.C. § 1477(b), as in effect on
23 July 1, 2014; and

24 (2) make a death gratuity payment immediately upon receiving
25 official notification of the death of an eligible Kansas military service
26 member.

27 (h) When making a death gratuity payment as authorized under
28 subsection (g), the adjutant general may act pursuant to the provisions of
29 10 U.S.C. § 1479 as in effect on July 1, 2014, for the purpose of making an
30 immediate payment under 10 U.S.C. § 1475 as in effect on July 1, 2014.

31 (i) As used in this section:

32 (1) "Death gratuity" means the benefit payable to a Kansas military
33 service member in accordance with 10 U.S.C. § 1477, as in effect on July
34 1, 2014.

35 (2) "Eligible Kansas military service member" means a resident of the
36 state to whose survivor a death gratuity should be paid pursuant to 10
37 U.S.C. §§ 1475 -1476, as in effect on July 1, 2014.

38 (3) "Federal government shutdown" means any furlough of non-
39 emergency federal personnel and curtailment of agency programs,
40 activities or services resulting in the government's inability to pay a death
41 gratuity to the survivor of an eligible Kansas military service member.

42 Sec. 2. This act shall take effect and be in force from and after its
43 publication in the statute book.