

As Amended by House Committee

As Amended by Senate Committee

Session of 2023

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.

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

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

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

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

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

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

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

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

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

40 (b) The adjutant general is authorized to:

41 (1) Adopt regulations pertaining to the preparation and rendering of
42 reports and returns and to the care and preservation of public property as in
43 the adjutant general's opinion the conditions demand, ~~which and such~~

1 regulations shall be operative and in force when promulgated in the form
2 of general orders, circulars or circular letters;

3 (2) administer oaths in matters pertaining to the duties of the office as
4 relates to:

5 (A) Claims against the state;

6 (B) the organization of boards of survey, ~~courts-martial~~ and courts of
7 inquiry;

8 (C) affidavits covering loss of military property belonging to the state
9 or the United States;

10 (D) oaths of office of officers of the Kansas national guard;

11 (E) statements and reports required from officers pertaining to
12 property and money accountability and expenditures; and

13 (F) any other official military matters coming before the adjutant
14 general;

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

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

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

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

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

43 (3) While on duty, security officers or law enforcement officers

1 appointed pursuant to subsection (b)(4) or (b)(5), as applicable, shall wear
2 and display publicly a badge of office.

3 Sec. 6. K.S.A. 48-205 is hereby amended to read as follows: 48-205.

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

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

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

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

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

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

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

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

39 (c) *Such United States property and disbursing officer shall secure,*
40 *receive, disburse, issue and account for all United States funds, arms,*
41 *uniforms, equipment and supplies as requested by the governor for use by*
42 *the organized militia. The property and disbursing officer shall maintain*
43 *complete and accurate records, in the manner prescribed by federal*

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

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

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

19 Sec. 8. K.S.A. 48-209 is hereby amended to read as follows: 48-209.
20 All officers of the Kansas army and air national guard in the line and in all
21 of the departments and corps, shall hold their positions until they have
22 reached the age of sixty-four (64) years of age unless the same shall have
23 been officer was terminated according to federal law. Upon the
24 recommendation of the adjutant general, the governor may order any
25 person on the state retired list to active service of the state for the purpose
26 of serving on military courts or boards or performing staff duty in or with
27 the active militia and in time of emergency to perform any military duty in
28 or with the active militia. In any such case, the person so ordered shall
29 rank in his or her grade from the date of such order. Pay and allowances
30 while on active service of the state shall be as provided for in K.S.A. 48-
31 225, or any and amendments thereto, except that time spent on the state
32 retired list shall not be credited in the computation of seniority or pay.

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

1 placed upon the retired list.

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

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

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

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

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

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

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

42 (b) The military board shall prescribe the rules and regulations under
43 which ~~said~~ uniforms and equipment shall be issued to and used by the

1 Kansas national guard.

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

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

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

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

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

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

1 military vehicles or convoy will operate. Such application shall:

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

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

6 (c) set forth the route over which ~~the said such~~ military vehicles or
7 convoys will pass;

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

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

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

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

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

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

34 (d) The adjutant general shall administer the provisions of K.S.A. 48-
35 261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto, and shall adopt
36 rules and regulations to carry out the provisions thereof.

37 Sec. 16. K.S.A. 48-267 is hereby amended to read as follows: 48-267.

38 Any member, who is entitled to benefits under this act for any wound,
39 injury, disease or illness; and who incurs a permanent disability therefrom
40 shall receive compensation as provided in this section. Entitlement to
41 compensation under this section shall commence at the conclusion of the
42 period specified in K.S.A. 48-266, *and amendments thereto*, and continue
43 so long as such permanent disability exists. The monthly benefit under this

1 section for total or ~~one hundred percent (100%)~~ disability shall be ~~one~~
 2 ~~hundred twenty dollars (\$120)~~ \$850 plus ~~twelve and one-half percent (12-~~
 3 ~~1/2%)~~ 12.5% of the monthly basic pay ~~of the grade or rank held by the~~
 4 ~~member at the time entitlement under this act accrued~~ *that the member*
 5 *would be entitled to* ~~receive~~ **receive** *under K.S.A. 48-225, and amendments*
 6 *thereto, if such member were called to active duty by the governor.* The
 7 monthly benefit under this section for less than ~~one hundred percent (~~
 8 ~~or 100%)~~ disability shall be a percent of the amount payable for total
 9 disability that is equal to the percent of disability that the member is
 10 sustaining. Entitlement under this section and the amount thereof shall be
 11 determined by the military disability board. The board shall annually
 12 review each award under this section and determine whether ~~it~~ *such award*
 13 shall continue unchanged, be reduced, be increased or be terminated.

14 Sec. 17. K.S.A. 48-269 is hereby amended to read as follows: 48-269.
 15 Whenever a member is entitled to death benefits under this act:

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

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

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

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

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

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

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

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

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

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

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

43 (e) The children ~~to which~~ *entitled to compensation under* subsection

1 (c) ~~and or~~ (d) ~~of this section shall apply~~ shall be the member's surviving
 2 children who meet the prescribed conditions on the first day of each
 3 calendar month. Compensation payable under subsection (c) or (d) ~~of this~~
 4 ~~section~~ shall be paid to the children or guardian as determined by the
 5 military disability board.

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

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

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

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

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

33 No person shall be commissioned or enlisted in such forces who is not ~~a~~
 34 ~~citizen of the United States~~ *qualified for commissioning or enlistment as*
 35 *established by part II, title 10 of the United States code* or who has ~~been~~
 36 ~~dishonorably discharged~~ *received a punitive discharge* from any military
 37 ~~or naval organization of this state, or of another state, or of the United~~
 38 ~~States, naval, air or space component of any of the several states and~~
 39 ~~territories, Puerto Rico or the District of Columbia.~~

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

41 Members of the Kansas state guard after July 1, 1943, who are actually
 42 present and participate in regular weekly drills provided for by law or
 43 regulations, for not less than ~~one and one-half~~ *1 1/2* hours, shall receive ~~the~~

1 following schedule of pay: For each of no more than five such weekly
2 periods in any one month; private, sixty cents; private first class, seventy
3 cents; corporal, eighty cents; sergeant, ninety-five cents; staff sergeant and
4 first sergeant, one dollar; second lieutenant, one dollar and twenty-five
5 cents; first lieutenant, one dollar and fifty cents; captain, two dollars and
6 fifty cents. The rate of pay for a technician fifth grade will be the same as
7 that of a corporal; the rate of pay for a technician fourth grade and a
8 technician third grade will be the same as that of a sergeant *appropriate*
9 *compensation as established by policy, guidance or regulation.*

10 Sec. 21. K.S.A. 48-101, 48-103, 48-202, 48-205, 48-206, 48-209, 48-
11 211, 48-214, 48-216, 48-219, 48-221, 48-222, 48-223, 48-228, 48-237, 48-
12 242, 48-243, 48-252, 48-252c, 48-261, 48-267, 48-269, 48-301, 48-509
13 and 48-516 and K.S.A. ~~2022~~ **2023** Supp. 48-204 are hereby repealed.

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