

Substitute for SENATE BILL No. 211

By Committee on Federal and State Affairs

3-2

10 AN ACT concerning the Kansas national guard; providing for certain
11 death benefits; amending K.S.A. 75-3713b and repealing the existing
12 section.
13

14 WHEREAS, The Kansas national guard has a proud tradition of mil-
15 itary service with thousands of Kansans having answered the call of the
16 nation and served in the national guard; and

17 WHEREAS, There have been instances in which the dependents of
18 members of the Kansas national guard have been left without adequate
19 financial resources when a national guard member has been killed while
20 on federal active duty; and

21 WHEREAS, Members of the Kansas national guard are now being
22 asked to serve extended periods of federal active duty in combat areas;
23 and

24 WHEREAS, Members of the Kansas national guard provide Kansas
25 and its citizens valuable benefits through their service inside this state
26 and through their recently extended periods of federal active duty in
27 combat areas outside of Kansas; and

28 WHEREAS, The state of Kansas should provide ~~each~~ **[a death ben-**
29 **efit for dependents of any]** member of the Kansas national guard **[who**
30 **dies while]** on federal active duty in a combat area ~~\$250,000 in life in-~~
31 ~~surance coverage~~: Now, therefore,

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

33 New Section 1. (a) In addition to any other benefits provided to
34 members of the Kansas national guard, the state of Kansas shall provide
35 an aggregate death benefit of \$250,000 to the surviving spouse and any
36 dependent child or children of any member of the Kansas national guard
37 who, after November 1, 2004, ~~has suffered a combat death resulting in~~
38 ~~the award of the purple heart~~ **[dies while on federal active duty in a**
39 **combat area]**.

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

43 (c) For the purpose of carrying out the provisions of subsection (a),

1 the adjutant general shall develop guidelines for payment of the death
2 benefit provided by this section and may adopt rules and regulations to
3 carry out the provisions of this section.

4 Sec. 2. K.S.A. 75-3713b is hereby amended to read as follows: 75-
5 3713b. (a) By unanimous vote of all of its members, the state finance
6 council is hereby authorized and empowered to make allocations to, and
7 authorize expenditures by, the adjutant general from the state emergency
8 fund for the following purposes, subject to the limitations hereinafter
9 imposed directly or by reference:

10 (1) The payment of claims for entitlements under K.S.A. 48-265, 48-
11 266, 48-267 or 48-269, and amendments thereto, which accrue to mem-
12 bers of the Kansas national guard or the Kansas state guard in accordance
13 with and subject to the provisions of K.S.A. 48-261 to 48-271, inclusive,
14 and amendments thereto; ~~and~~

15 (2) the payment of any expenses or other amounts required to be
16 paid which arise under the national guard mutual assistance compact in
17 accordance with and subject to the provisions of said compact and K.S.A.
18 48-1701 to 48-1703, inclusive, and amendments thereto; *and*

19 (3) *the payment of death benefits pursuant to section 1, and amend-*
20 *ments thereto.*

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

26 Sec. 3. K.S.A. 75-3713b is hereby repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the Kansas register.