

SENATE BILL No. 328

By Senator Pyle

2-7

9 AN ACT establishing the Kansas state defense force; concerning powers,
10 duties and functions thereof; amending K.S.A. 48-101 and repealing
11 the existing section.
12

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

14 New Section 1. There is hereby established the Kansas state defense
15 force within the office of the adjutant general. The state defense force is
16 authorized to serve as the Kansas state guard provided for in article 5 of
17 chapter 48 of the Kansas Statutes Annotated when the governor author-
18 izes such action. The state defense force also is authorized to respond to
19 proclamations of the governor declaring a state of emergency disaster if
20 the governor calls the state defense force to active state duty for such
21 purpose.

22 New Sec. 2. The adjutant general shall adopt rules and regulations
23 governing the recruitment, administration, organization, equipment, fa-
24 cilities, training and discipline of the state defense force. Such rules and
25 regulations shall be subject to the approval of the governor.

26 New Sec. 3. (a) The state defense force shall consist of citizens of
27 this state who are 18 years of age or older who volunteer to serve in the
28 state defense force and who meet such other qualifications as may be
29 specified by rules and regulations.

30 (b) Except for members of the state defense force who also are in
31 the Kansas army and air national guard or are employees of the division
32 of emergency management, members of the state defense force shall
33 serve without compensation unless the state defense force is called to
34 active state duty by the governor.

35 (c) When on active state duty, members of the state defense force
36 shall be compensated as may be authorized by rules and regulations of
37 the adjutant general and subject to the approval of the governor.

38 (d) The state defense force shall be uniformed. Except as otherwise
39 authorized by the adjutant general, members of the state defense force
40 shall supply their own uniforms. Subject to the approval of the governor,
41 the adjutant general shall prescribe the uniform and insignia of the state
42 defense force, which shall include distinctive devices identifying it as the
43 uniform of the state defense force and distinguishing it from the national

1 guard.

2 New Sec. 4. The state defense force, to the extent practicable, shall
3 be equipped as needed for training and for actual active state duty. To
4 the extent available and permitted by law, armories and other facilities of
5 the national guard and other state facilities may be utilized for storage
6 and maintenance of equipment and supplies of the state defense force
7 and for the assembly, drill and instruction of its members.

8 Sec. 5. K.S.A. 48-101 is hereby amended to read as follows: 48-101.
9 All persons subject to military duty under the constitution of this state
10 and not exempt therefrom by the provisions of this act, and such other
11 persons as shall voluntarily enroll themselves, shall be divided into three
12 ~~(3)~~ classes, ~~to wit: One consisting of~~. *One class shall be* the federally
13 recognized national guard, which shall be known as the “Kansas army and
14 air national guard”, ~~one consisting of~~. *The second class shall consist of the*
15 *Kansas state guard, the state defense force and those able-bodied male*
16 *citizens prescribed and contemplated in article 8 of the constitution of*
17 *this state not in the “Kansas army and air national guard” which shall be*
18 *known as “the militia”, and one to*. *The third class shall consist of all those*
19 *subject to military duty, but not included in the “Kansas army and air*
20 *national guard” or “the militia” to be known as the “Kansas military*
21 *reserve.”*

22 Sec. 6. K.S.A. 48-101 is hereby repealed.

23 Sec. 7. This act shall take effect and be in force from and after its
24 publication in the statute book.