

**CHAPTER 194****(SB 133)**

AN ACT relating to military affairs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 36.040 is amended to read as follows:

(1) The adjutant general shall:

- (a)~~{(1)}~~ Represent the Governor in all military matters pertaining to the Commonwealth of Kentucky;
- (b)~~{(2)}~~ Be the executive head of the Department of Military Affairs and exercise all functions vested by law in the department;
- (c)~~{(3)}~~ Establish the internal organizational structure of the major organizations of the department;
- (d)~~{(4)}~~ Organize and supervise all programs, functions, and personnel assigned to the department in accordance with all state and federal statutes and administrative regulations;
- (e)~~{(5)}~~ Be responsible to the Governor for the proper carrying into effect of all laws, rules, and regulations of the United States and of this state affecting the militia and other military organizations established by law;
- (f)~~{(6)}~~ Perform the duties prescribed for him by laws of the United States and regulations issued thereunder;
- (g)~~{(7)}~~ Direct and supervise the chiefs of staff departments and supervise all troops and all departments, arms, and branches of the Kentucky Army and Air National Guard;
- (h)~~{(8)}~~ Supervise the preparation of all returns and reports of the Department of Military Affairs;
- (i)~~{(9)}~~ Keep a register of all the officers of the Kentucky National Guard, and make a written report to the Governor for the annual period ending on June 30 of each year of the operations and conditions of the Department of Military Affairs;
- (j)~~{(10)}~~ Cause to be prepared and issued all necessary blank books, forms, and notices required to carry into full effect matters assigned to the adjutant general under the provisions of KRS Chapters 36, 37, and 38;
- (k)~~{(11)}~~ Direct and supervise the safekeeping and repairing of the ordnance, arms, accouterments, equipment, and all other military property belonging to the state or issued to it by the United States;
- (l)~~{(12)}~~ Notify the Finance and Administration Cabinet of all military property of the state which after inspection is found unsuitable for use of the cabinet;
- (m)~~{(13)}~~ Keep an account of:
  - 1.~~{(a)}~~ All expenses, including pay of officers and enlisted men, allowance to officers and organizations;
  - 2.~~{(b)}~~ Any other moneys required to be disbursed by him and through his office, including subsistence and transportation of the National Guard; and
  - 3.~~{(c)}~~ All military property of the United States.
- (n)~~{(14)}~~ Issue and make requisitions for military property under the direction of the Governor, but no military property shall be issued to persons or organizations other than those belonging to the National Guard, except to such portion of the Kentucky active militia as is called out by the Governor;
- (o)~~{(15)}~~ Maintain as a part of his office a Bureau of War Records in which all records pertaining to wars and relics shall be kept, and be custodian of all such records, relics, colors, standards, and battle flags now the property of the state, or in its possession, or which the state may hereafter acquire;
- (p)~~{(16)}~~ Organize units of the National Guard at places designated by the Governor and have the members mustered into service under regulations prescribed by the Governor;

~~(q)(17)~~ Issue all regulations, orders, and directives for the proper functioning and utilization of the Department of Military Affairs and its divisions; and

~~(r)(18)~~ Hire, discharge, and pay any personnel that the adjutant general deems necessary to fulfill defense contracts without regard to KRS Chapter 18A.

- (2) ***The adjutant general, or his or her designee, may enter into any federal contracts, federal grants, and federal agreements with the United States of America, by and through the Department of Defense, Department of the Army, Department of the Air Force, National Guard Bureau, Federal Aviation Administration, United States Department of Homeland Security, and Federal Emergency Management Agency, and any other division, department, or agency of the federal government, as may be deemed necessary to carry out the general intent and purposes of the Department of Military Affairs.***

Section 2. KRS 61.394 is amended to read as follows:

All officers and employees of this state, or of any department or agency thereof who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while in the performance of duty or training in the service of this state or of the United States under competent orders ~~as~~ ~~for a period in any one (1) federal fiscal year not to exceed that~~ specified in this section. ***In any one (1) federal fiscal year, officers or employees, while on military leave, shall be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued*** ~~[fifteen (15) calendar days or ten (10) working days if the employee's position is based upon a five (5) day work week; twelve (12) days if the employee's position is based upon a six (6) day work week; fifteen (15) days if the employee's position is based upon a seven (7) day work week].~~

Section 3. KRS 38.250 is amended to read as follows:

~~(1)~~ Every unit of the Kentucky National Guard shall assemble for drill and instructions not less than forty-eight (48) times each year, and shall participate in encampments, maneuvers or other exercises at least fifteen (15) days in each year unless excused therefrom by the Governor. The number present in order to obtain credit for the drill, period of time and type of instruction shall be such as is prescribed by the Governor.

~~(2)~~ ~~All employees of the Commonwealth of Kentucky who are members of the Kentucky National Guard and/or the Reserve Forces of the United States shall be entitled to fifteen (15) days annual military leave with pay.~~

Section 4. KRS 171.782 is amended to read as follows:

- (1) The Kentucky Military Heritage Commission is hereby established as an independent agency of the Commonwealth of Kentucky which is attached to the Kentucky Heritage Council for administrative and support purposes. The Heritage Council may request and receive additional administrative aid and support from the Kentucky Historical Society, the Department of Military Affairs, the Commission on Military Affairs, and the Department of Veterans' Affairs.
- (2) The Kentucky Military Heritage Commission shall consist of the adjutant general, the Director of the Kentucky Historical Society, the state historic preservation officer, the executive director of the commission on Military Affairs, and the commissioner of the Department of Veterans' Affairs ***or their designees, whose names shall be provided in writing.***
- (3) The commission shall receive requests for designation of a geographic site as a military heritage site and for designation of an object as a military heritage object in accordance with KRS 171.780 to 171.788 and the administrative regulations promulgated thereunder.
- (4) The commission shall promulgate administrative regulations necessary to carry out KRS 171.780 to 171.788 and to protect military heritage sites and military heritage objects.
- (5) The commission may seek funding from any source, public or private, and may expend funds for the operation of the commission and for the protection of military heritage sites and military heritage objects.
- (6) The commission may employ such persons as it deems necessary, consistent with available funding, to carry out the duties of the commission.

Section 5. KRS 304.13-063 is amended to read as follows:

- (1) Any schedule of rates or rating plan for automobile liability and physical damage insurance filed with the executive director shall provide for an appropriate reduction in premium charges for a period of at least three (3) years and up to five (5) years for those insureds fifty-five (55) years of age and older who successfully complete a motor vehicle accident prevention course meeting standards set by the Transportation Cabinet *or insureds of any age who complete a defensive driving course provided by the United States Armed Forces to members of the United States Armed Forces. The reduction in premium charges for members of the United States Armed Forces who complete a defensive driving course provided by the United States Armed Forces shall be actuarially sound.* There shall, however, be no reduction in premiums for a self-instructed course or for a course which does not provide for classroom or field driving instruction for a minimum number of hours, to be determined by the Transportation Cabinet.
- (2) All insurance companies writing automobile liability and physical damage insurance in Kentucky shall allow an appropriate reduction in premium charges to all eligible persons subject to this section.
- (3) Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency a certificate which shall be the basis of qualification for the discount on insurance.
- (4) Each participant shall take an approved course each five (5) years to continue to be eligible for the discount on insurance.
- (5) The Transportation Cabinet is hereby empowered to promulgate regulations setting standards for the motor vehicle accident prevention course described in subsection (1) of this section.
- (6) No discount shall be available under this section to those completing the prescribed motor vehicle accident prevention course under a court order as a result of a motor vehicle conviction.

Section 6. Section 5 of this Act takes effect January 1, 2007.

**Approved April 21, 2006.**