Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 1320
Bill #: HB 291
Document ID #: <u>3290</u>
Bill Subject/Title: AN ACT relating to the National Guard.
Sponsor: Representative Tim D. Moore
Unit of Government: X City X County X Urban-County Unified Local Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Any office that employs a member of the National Guard.
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New C Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Currently KRS 61.394 and KRS 61.396 ensure that for any National Guard or Reserve component member of any state, including those with residency outside of Kentucky, and working in Kentucky state government or political subdivision thereof, shall be entitled to 21 days paid military leave while in the performance of duty or training in the service of this state or the United States.

There is no residency requirement in Kentucky for being a member of the Kentucky National Guard or Reserve, so Guardsmen or Reservist can live in another state but still get the paid military leave if employed by state or local government in Kentucky.

The impetus for BR 1320 is to ensure legal job protections for all Guardsmen, regardless of what state they serve. Current law leaves room for interpretation that only members of the Kentucky National Guard are legally covered only in Kentucky when performing "state active duty" missions.

The reality is that many Kentucky residents or people otherwise employed in Kentucky serve in the National Guard in other states. Two examples are:

- Kentucky residents who are pilots for UPS Airlines in Louisville and are members of the Alaska national Guard and
- Ashland-area residents who serve in the West Virginia National Guard.

These guardsmen may be called by the Governors of the states of which they are Guard members to do State Active Duty service in response to flooding, major storms, etc.

The fiscal impact of BR 1320 on local governments is indeterminable, but expected to be minimal, and may have the greatest impact, albeit minor, if any, on the local governments of the 48 counties that border other states including Jefferson and Boone counties, home to major airline hubs.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II pertains to the bill as introduced. No prior versions of the bill have been introduced necessitating Part III to be completed at this time.

Data Source(s): <u>LRC Staff, Kentucky National Guard</u>

Preparer:Wendell F. ButlerReviewer:KHCDate:1/31/18