

**NATIONAL GUARD DEATH BENEFIT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: Peter C. Knudson

Cosponsors:	David E. Lifferth	Lee B. Perry
Gage Froerer	Merrill F. Nelson	Dixon M. Pitcher
Eric K. Hutchings	Michael E. Noel	
Don L. Ipson	Curtis Oda	

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**LONG TITLE**

**General Description:**

This bill provides for a death gratuity for the next of kin of a National Guard member who dies while on state active duty.

**Highlighted Provisions:**

This bill:

- ▶ provides for a \$100,000 death gratuity for the next-of-kin of a National Guard member who dies while on state active duty.

**Money Appropriated in this Bill:**

This bill appropriates:

- ▶ to the National Guard Death Benefit Account, as an ongoing appropriation from the General Fund, \$9,500.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**39-1-59.5**, Utah Code Annotated 1953

REPEALS AND REENACTS:

29 **39-1-59**, as last amended by Laws of Utah 2011, Chapter 366



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **39-1-59** is repealed and reenacted to read:

33 **39-1-59. Compensation for injury or death.**

34 Within 72 hours of the reported death of a member of the National Guard on state  
35 active duty, the state shall provide a death gratuity payment of \$100,000 to:

36 (1) the person designated as the recipient of the member's unpaid pay and allowances  
37 in the member's service record; or

38 (2) if no one is designated, the designated person cannot be found, or the designated  
39 person has predeceased the member, the member's heirs in accordance with Title 75, Chapter 2,  
40 Part 1, Intestate Succession.

41 Section 2. Section **39-1-59.5** is enacted to read:

42 **39-1-59.5. National Guard Death Benefit Restricted Account.**

43 (1) There is created within the General Fund a restricted account known as "National  
44 Guard Death Benefit Account."

45 (2) (a) The restricted account shall be funded from funds appropriated by the  
46 Legislature.

47 (b) Funds in the restricted account may only be used to pay the death benefit authorized  
48 in Section **39-1-59**.

49 (c) The restricted account may accrue interest which shall be deposited into the  
50 restricted account.

51 (d) At the close of any fiscal year, any balance in the fund in excess of \$2,000,000 shall  
52 be transferred to the General Fund.

53 Section 3. **Appropriation.**

54 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
55 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money  
56 are appropriated from resources not otherwise appropriated, or reduced from amounts

57 previously appropriated, out of the funds or amounts indicated. These sums of money are in  
58 addition to amounts previously appropriated for fiscal year 2017.

59 To the National Guard Death Benefit Account as an ongoing appropriation

60 From the General Fund \$9,500