

**BENEFITS FOR NATIONAL GUARD MEMBERS
AND FAMILIES**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill provides for a death benefit, tuition waiver, and utility allowance for families of National Guard members under specific circumstances.

Highlighted Provisions:

This bill:

- ▶ provides for a lump sum payment of \$500,000 to the surviving spouse or children, if no spouse, of a member of the National Guard killed in action;
- ▶ creates a "utility allowance" of \$200 per month for families of National Guard members who have been deployed; and
- ▶ waives the tuition at state institutions of higher education for surviving dependents of National Guard members killed in action.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

39-1-59, as last amended by Chapter 210, Laws of Utah 1988

ENACTS:



39-1-65, Utah Code Annotated 1953

39-1-66, Utah Code Annotated 1953

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

Section 1. Section **39-1-59** is amended to read:

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

(1) If any officer or enlisted ~~[person]~~ member of the National Guard is wounded, injured, or otherwise disabled~~[-or is killed or dies of wounds or injuries received]~~ while serving on state or federal active duty, under orders of competent authority and not as a result of ~~[his]~~ the member's own misconduct, the ~~[person, the surviving spouse, children, or any dependent relatives,]~~ member shall receive from the state relief as the Legislature determines. ~~[However, in these cases the]~~

(a) The member shall, ~~[surviving spouse, children, or any dependent relatives, upon]~~ after investigation by a board of inquiry appointed by the commander in chief, the findings and recommendations of which shall be filed with the state auditor for the action of the Board of Examiners, ~~[shall]~~ receive temporary compensation from the state, out of funds appropriated for the maintenance of the National Guard, as determined by the Board of Examiners until the next regular session of the Legislature. ~~[This]~~

(b) The compensation may not exceed the rates of pay provided for officers and enlisted persons in this chapter.

(2) If any officer or enlisted member of the National Guard is killed or dies of wounds or injuries received while serving on federal or state active duty, under orders of competent authority and not as a result of the member's own misconduct, the member's surviving spouse or, if no spouse, minor children shall receive a lump sum payment from the state in the amount of \$500,000.

Section 2. Section **39-1-65** is enacted to read:

39-1-65. Utility allowance for families of deployed members.

If a member of the National Guard is called into active service on behalf of the state or the United States, an allowance of \$200 per month shall be allotted to the member's immediate family for the payment of utilities. Eligible utilities are natural or propane gas, electricity, water, sewer, and trash service.

Section 3. Section **39-1-66** is enacted to read:

39-1-66. Tuition benefits for surviving dependents.

(1) If any officer or enlisted member of the National Guard is killed or dies of wounds or injuries received while serving on federal or state active duty, under orders of competent authority and not as a result of the member's own misconduct, a state institution of higher education shall waive undergraduate tuition for that member's dependents under the following conditions:

(a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;

(b) the dependent is a resident student as determined under Section 53B-8-102;

(c) the dependent may not have already completed a course of studies leading to an undergraduate degree; and

(d) the dependent may not utilize the waiver for more than eight semesters.

(2) The tuition waiver in this section is applicable for undergraduate study only.

(3) The adjutant general shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver.

(4) The waiver in this section does not apply to fees, books, or housing expenses.

Legislative Review Note

as of 12-27-05 9:10 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Benefits for National Guard Members and Families***23-Feb-06***Bill Number HB0144***11:13 AM*

SECOND AMENDED NOTE**State Impact**

The bill provides residency status to certain military personnel for tuition purposes. If enrollment increased as a result of this change, it would be handled as a regular enrollment growth budget request.

Individual and Business Impact

Qualifying National Guard families will receive benefits covered in the bill.

Office of the Legislative Fiscal Analyst