

1 **NATIONAL GUARD DEATH BENEFIT AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Peter C. Knudson

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Veterans' and Military Affairs Commission recommended this bill.

10 Membership: 5 legislators 18 non-legislators

11 Legislative Vote: 3 voting for 0 voting against 2 absent

12 **General Description:**

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

15 **Highlighted Provisions:**

16 This bill:

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

19 ▶ makes technical corrections to the current statute regarding a member who is injured
20 on state active duty.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 **REPEALS AND REENACTS:**

27 **39-1-59**, as last amended by Laws of Utah 2011, Chapter 366



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

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 Section **39-1-59** is repealed and reenacted to read:

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

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

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

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

(2) A member of the National Guard who is wounded, injured, or otherwise acquires a disability while on state active duty shall continue to receive compensation from the National Guard out of funds appropriated for the maintenance of the National Guard until a final determination in accordance with Subsection (3) is made and acted upon by the Legislature.

(3) When a member is wounded, injured, or otherwise acquires a disability, the adjutant general shall appoint a board of inquiry to investigate the circumstances surrounding the event.

(a) The board of inquiry shall make findings and recommendations, which shall be filed with the state auditor for action by the board of examiners in accordance with the requirements of Title 63G, Chapter 9, Board of Examiners Act.

(b) The board of examiners shall review the findings and recommendations of the board of inquiry and make a final recommendation to the Legislature on compensation for action during the next regular session.

Legislative Review Note
Office of Legislative Research and General Counsel