ENGROSSED SENATE
BILL NO. 1031

By: Corn, Garrison, Leftwich and Eason McIntyre of the Senate

and

Jett of the House

[Military Department - creating the Line of Duty Compensation Act - creating the Line of Duty Compensation Revolving Fund – codification – effective date – emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3200 of Title 44, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Line of Duty Compensation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3201 of Title 44, unless there is created a duplication in numbering, reads as follows:

As used in the Line of Duty Compensation Act:

1. "Armed forces member" means an Oklahoma resident who is a member of the Armed Forces of the United States or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States;

2. "Hostile action" means armed aggression, bombings, terrorist attacks, and other acts of violence or terrorism resulting in death; and

3. “Unfriendly forces” means those military or political organizations, groups or factions engaging in hostile actions or activities aimed against the United States and its allies.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3202 of Title 44, unless there is created a duplication in numbering, reads as follows:

A. If a person is killed in the line of duty and such person was a resident of Oklahoma for at least twelve (12) months immediately preceding entry into military service and the person’s death was service-connected as a result of hostile action on or after September 11, 2001, the following dependents of such person shall be entitled to receive a death benefit of One Hundred Thousand Dollars ($100,000.00) from the Military Department of the State of Oklahoma to be divided as follows:

1. If there is a surviving spouse and no children the surviving spouse receives one hundred percent (100%) of the benefit;

2. If there is a surviving spouse and surviving children, surviving spouse receives fifty percent (50%) and the child or children receive fifty percent (50%) to be shared equally;

3. If there is no surviving spouse but there is a surviving child or children, the child or children shall receive one hundred percent (100%) to be shared equally;

4. If there is no surviving spouse and no surviving children, the parents or persons standing in loco parentis of the deceased shall receive one hundred percent (100%); and

5. If there is no surviving spouse, no surviving children and no surviving parents or persons standing in loco parentis, any siblings of the deceased shall receive one hundred percent (100%) to be shared equally.

B. Where a preceding beneficiary, listed in subsection A of this section, fails to file a claim of compensation after the official notice of death, the Military Department may accept

application from succeeding beneficiaries and such beneficiaries may then proceed to qualify upon submission of satisfactory proof of eligibility.

C. If the person to whom compensation is payable under this section is under legal disability with a legal guardian, the compensation shall be paid to the person legally vested with the care of the legally disabled person under the laws of his or her state of residence. If no such person has been designated for the legally disabled person, payment shall be made to the chief officer of any hospital or institution under the supervision or control of any state or of the Veterans Administration of the United States in which the legally disabled person is placed, if the officer is authorized to accept monies for the benefit of the incompetent. Any payments so made shall be held or used solely for the benefit of the legally disabled person.

As used in this subsection, a person "under legal disability" means any person found to be so disabled by a court of competent jurisdiction of any state or the District of Columbia or by any adjudication officer of the Veterans Administration of the United States.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3203 of Title 44, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund to be designated the "Line of Duty Compensation Revolving Fund". The Military Department of the State of Oklahoma shall have the authority to make benefit payments to survivors of soldiers killed in a hostile service-connected action on or after September 11, 2001. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies appropriated to the Military Department and shall be budgeted and expended by the Military Department for authorized purposes. Expenditures from the

fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 5. This act shall become effective July 1, 2006.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 8th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

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Presiding Officer of the House
of Representatives