

CS for SB 1031

1 THE STATE SENATE
2 Monday, February 27, 2006

3 Committee Substitute for
4 Senate Bill No. 1031

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1031 - By: CORN of the
6 Senate and JETT of the House.

7 [Military Department - creating the Line of Duty
8 Compensation Act - creating the Line of Duty Compensation
9 Revolving Fund - effective date -
10 emergency]

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

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

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

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

20 As used in the Line of Duty Compensation Act:

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

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

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

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

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

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

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

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

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

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

11 B. Where a preceding beneficiary, listed in subsection A of
12 this section, fails to file a claim of compensation after the
13 official notice of death, the Military Department may accept
14 application from succeeding beneficiaries and such beneficiaries may
15 then proceed to qualify upon submission of satisfactory proof of
16 eligibility.

17 C. If the person to whom compensation is payable under this
18 section is under legal disability with a legal guardian, the
19 compensation shall be paid to the person legally vested with the
20 care of the legally disabled person under the laws of his or her
21 state of residence. If no such person has been designated for the
22 legally disabled person, payment shall be made to the chief officer
23 of any hospital or institution under the supervision or control of

1 any state or of the Veterans Administration of the United States in
2 which the legally disabled person is placed, if the officer is
3 authorized to accept monies for the benefit of the incompetent. Any
4 payments so made shall be held or used solely for the benefit of the
5 legally disabled person.

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

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

14 There is hereby created in the State Treasury a revolving fund
15 to be designated the "Line of Duty Compensation Revolving Fund".
16 The Military Department of the State of Oklahoma shall have the
17 authority to make benefit payments to survivors of soldiers killed
18 in a hostile service-connected action on or after September 11,
19 2001. The fund shall be a continuing fund, not subject to fiscal
20 year limitations, and shall consist of monies appropriated to the
21 Military Department and shall be budgeted and expended by the
22 Military Department for authorized purposes. Expenditures from the
23 fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of State
2 Finance for approval and payment.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
9 PASS, As Amended and Coauthored.