

1 SENATE BILL NO. 63

2 INTRODUCED BY A. BLEWETT

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING PAYMENT OF THE STATE DEATH BENEFIT TO
6 BENEFICIARIES OF MEMBERS OF THE MONTANA NATIONAL GUARD WHO DIE IN THE LINE OF DUTY
7 WHILE ON STATE DUTY FOR SPECIAL WORK; AMENDING SECTION 10-1-1201, MCA; AND PROVIDING
8 AN IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 10-1-1201, MCA, is amended to read:

13 **"10-1-1201. Death while on state duty -- death benefit payment -- certification -- rules.** (1) The
14 department of administration shall, upon certification by the department as provided in subsection (2), make a
15 death benefit payment by state warrant in the amount of \$50,000 to the beneficiary, as provided in subsection
16 (3), of a member of the national guard who dies in the line of duty performed pursuant to state active duty or state
17 duty for special work orders.

18 (2) Upon the death of the member, the department shall certify to the department of administration:

19 (a) the name and other identifying information of the member;

20 (b) that the member died in the line of duty performed pursuant to Article VI, section 13, of the Montana
21 constitution or while on state duty for special work as provided in 10-1-505(2);22 (c) that, at the time of the death of the member, the member was being paid or was to be paid for the
23 member's military service from state and not federal military funds; and24 (d) the name and address of the beneficiary, as provided in subsection (3), to whom payment must be
25 made.

26 (3) The department of administration shall pay the death benefit to the member's surviving spouse. If
27 there is no surviving spouse, the department of administration shall pay the death benefit to the member's
28 surviving children in equal shares. If there are no surviving children, the department of administration shall pay
29 the death benefit to the member's survivors pursuant to Title 72 as if the member had died intestate.

30 (4) The department and the department of administration may adopt rules to implement this section."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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