

BILL ANALYSIS

C.S.H.B. 3224

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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the federal government provides a death benefit of \$12,420 to the families of fallen soldiers. Although no dollar amount can ever replace the life of a loved one, being able to provide additional funds may assist the family during their time of grief.

CSHB 3224 would create the Texas Service Members' Memorial Fund. This fund will pay \$50,000 to the families of fallen servicemembers from Texas. It will also pay for tuition/fees/books for dependents of fallen servicemembers. CSHB 3224 also provides funding through gifts and grants, the creation of 'Support Our Troops' license plates, and the unclaimed lottery fund.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Comptroller and the Adjutant General in SECTION 2 (Section 437.053, Government Code) of this bill.

ANALYSIS

SECTION 1 establishes the Texas Service Members' Memorial Account, and allows the comptroller, governor and adjutant general to accept gifts and grants for deposit into the account. Money in this account may only be used for the making of payments under Chapter 437.

SECTION 2 Subchapter 1 defines an "eligible survivor." This SECTION also states that this chapter only applies to eligible survivors of a member of the United States armed forces or Texas National Guard who joined the service while residing in Texas, died after September 11, 2001, and before August 1, 2007 received hazardous duty pay, hostile fire pay, or imminent danger pay while serving in Iraq, Afghanistan, or Kuwait. This SECTION further stipulates that this chapter expires March 1, 2010.

Subchapter B allows for the comptroller to administer this chapter including payment of benefits and to prescribe any forms necessary. The adjutant general is to administer this chapter for the Texas National Guard. Both the comptroller and the adjutant general are to adopt rules and they are to include rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this chapter. Finally both the comptroller and the adjutant general are allowed to accept gifts and grants to make payments under this chapter.

Subchapter C stipulates that the state shall pay \$50,000 to the eligible survivor of an individual or the appropriate pro rata portion to the eligible survivors. The eligible survivor must apply for these benefits before August 31, 2009.

Subchapter D states that to the extent that funds are available, the state shall pay an amount sufficient for the tuition, fees and books required to attend an institution of higher education for the children and spouse of a deceased servicemember. The amount of hours awarded to someone under this section shall not exceed 150 credit hours.

This subchapter also stipulates that the payments for these benefits shall come first from gifts and grants, then from the sale of license places, and lastly from unclaimed lottery money.

SECTION 3 allows unclaimed lottery money as the third priority to be used for payments under Chapter 437, and states that this section expires March 1, 2010.

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SECTION 4 creates specialty license plates that include the words 'Support Our Troops' and depict a yellow ribbon, and allows them to be sold with the profits going to the Texas Service Members' Memorial Account. This section also expires March 1, 2010.

SECTION 5 stipulates that Subchapter D applies beginning with books purchased for and tuition and other fees charged for the 2005 fall semester.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary vote, otherwise it takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute changes "hazardous duty pay" to hazardous duty pay, hostile fire pay, or imminent danger pay while serving in Iraq, Afghanistan, or Kuwait. The substitute also extends the expiration for application to August 31, 2009, and extends the expiration of all other sections to March 1, 2010.

The substitute changes the priority for unclaimed lottery funds from second to third, and lists the order of funding sources that the payment of benefits should come from. This substitute also takes out the state highway fund as a funding source.

Finally the substitute adds that the tuition, fees and books for the children and spouse of deceased servicemembers shall be paid for by the state.