

## **BILL ANALYSIS**

Senate Research Center  
81R11877 MCK-D

C.S.S.B. 1022  
By: Ellis, Shapleigh  
Veteran Affairs & Military Installations  
4/18/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to the adjutant general's office, since the start of the wars in Afghanistan and Iraq, nine Texas National Guard members have paid the ultimate sacrifice on behalf of our nation. Passing this legislation would send a strong message that the Texas Legislature places a high value on our troops' sacrifice and defense of our nation and our freedoms.

C.S.S.B. 1022 amends current law relating to death benefits for the survivors of certain members of the Texas National Guard.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the adjutant general of the Texas National Guard in SECTION 1 (Section 437.052, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle C, Title 4, Government Code, by adding Chapter 437, as follows:

#### CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. Defines "eligible survivor."

Sec. 437.002. APPLICABILITY. Provides that this chapter applies only to eligible survivors of a member of the Texas National Guard who died after September 11, 2001, while on federal active duty under Title 10, United States Code, or serving in a named military operation on active duty under state authority in accordance with Title 32, United States Code.

Sec. 437.003. ADDITIONAL BENEFIT. Provides that the benefit provided under this chapter is in addition to any other benefit provided under state or federal law.

[Reserves Sections 437.004-437.050 for expansion.]

##### SUBCHAPTER B. ADMINISTRATION OF CHAPTER

Sec. 437.051. ADJUTANT GENERAL. Requires the adjutant general to administer this chapter for the payment of benefits to eligible survivors of Texas National Guard members.

Sec. 437.052. RULES. Requires the adjutant general to adopt rules to administer this chapter, including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this chapter.

Sec. 437.053. GIFTS; GRANTS. Authorizes the adjutant general to accept gifts and grants to make payments under this chapter.

Sec. 437.054. CERTIFICATION TO COMPTROLLER. Requires the adjutant general to certify to the comptroller of public accounts the name of each eligible survivor who will be paid a benefit under this chapter and the amount of the benefit under this chapter that each eligible survivor will be paid from funds specifically appropriated to the adjutant general for that purpose.

[Reserves Sections 437.055-437.100 for expansion.]

#### SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

Sec. 437.101. ELIGIBILITY. (a) Defines "heirs."

(b) Provides that an eligible survivor is a person designated as a beneficiary on the deceased individual's group life insurance program under 38 U.S.C. Section 1965 et seq.

(c) Provides that if there is not a beneficiary for the individual under Subsection (b), the eligible survivors are the heirs.

Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) Requires the state to pay \$250,000 to the eligible survivor of an individual or the appropriate pro rata portion of that amount to the eligible survivors of the individual. Requires the state to pay the benefits in two equal installments.

(b) Requires the state to make payments under this section only to the extent that the legislature specifically appropriates money for that purpose.

Sec. 437.103. APPLICATION FOR BENEFITS. Requires an eligible survivor to apply for benefits in accordance with the rules adopted under this chapter.

SECTION 2. Effective date: upon passage or September 1, 2009.