

By: Ellis

S.B. No. 1022

A BILL TO BE ENTITLED

AN ACT

relating to death benefits for the survivors of certain members of the Texas National Guard.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Government Code, is amended by adding Chapter 437 to read as follows:

CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS

NATIONAL GUARD MEMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. In this chapter, "eligible survivor" means a person eligible to receive benefits under this chapter.

Sec. 437.002. APPLICABILITY. This chapter applies only to eligible survivors of a member of the Texas National Guard who died after September 11, 2001, while:

(1) on federal active duty under Title 10, United States Code; or

(2) 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. The benefit provided under this chapter is in addition to any other benefit provided under state or federal law.

[Sections 437.004-437.050 reserved for expansion]

1 SUBCHAPTER B. ADMINISTRATION OF CHAPTER

2 Sec. 437.051. ADJUTANT GENERAL. The adjutant general shall
3 administer this chapter for the payment of benefits to eligible
4 survivors of Texas National Guard members.

5 Sec. 437.052. RULES. The adjutant general shall adopt
6 rules to administer this chapter, including rules and procedures
7 for making and proving a claim, appealing decisions, and receiving
8 benefits under this chapter.

9 Sec. 437.053. GIFTS; GRANTS. The adjutant general may
10 accept gifts and grants to make payments under this chapter.

11 [Sections 437.054-437.100 reserved for expansion]

12 SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

13 Sec. 437.101. ELIGIBILITY. (a) In this section, "heirs"
14 has the meaning assigned by Section 3, Texas Probate Code.

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

18 (c) If there is not a beneficiary for the individual under
19 Subsection (b), the eligible survivors are the heirs.

20 Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. The state
21 shall pay \$250,000 to the eligible survivor of an individual or the
22 appropriate pro rata portion of that amount to the eligible
23 survivors of the individual. The state shall pay the benefits in
24 two equal installments.

25 Sec. 437.103. APPLICATION FOR BENEFITS. An eligible
26 survivor must apply for benefits in accordance with rules adopted
27 under this chapter.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.