

1-1 By: Ellis, Shapleigh S.B. No. 1022
1-2 (In the Senate - Filed February 20, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 20, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1022 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to death benefits for the survivors of certain members of
1-11 the Texas National Guard.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle C, Title 4, Government Code, is amended
1-14 by adding Chapter 437 to read as follows:

1-15 CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD

1-16 MEMBERS

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 437.001. DEFINITION. In this chapter, "eligible
1-19 survivor" means a person eligible to receive benefits under this
1-20 chapter.

1-21 Sec. 437.002. APPLICABILITY. This chapter applies only to
1-22 eligible survivors of a member of the Texas National Guard who died
1-23 after September 11, 2001, while:

1-24 (1) on federal active duty under Title 10, United
1-25 States Code; or

1-26 (2) serving in a named military operation on active
1-27 duty under state authority in accordance with Title 32, United
1-28 States Code.

1-29 Sec. 437.003. ADDITIONAL BENEFIT. The benefit provided
1-30 under this chapter is in addition to any other benefit provided
1-31 under state or federal law.

1-32 [Sections 437.004-437.050 reserved for expansion]

1-33 SUBCHAPTER B. ADMINISTRATION OF CHAPTER

1-34 Sec. 437.051. ADJUTANT GENERAL. The adjutant general shall
1-35 administer this chapter for the payment of benefits to eligible
1-36 survivors of Texas National Guard members.

1-37 Sec. 437.052. RULES. The adjutant general shall adopt
1-38 rules to administer this chapter, including rules and procedures
1-39 for making and proving a claim, appealing decisions, and receiving
1-40 benefits under this chapter.

1-41 Sec. 437.053. GIFTS; GRANTS. The adjutant general may
1-42 accept gifts and grants to make payments under this chapter.

1-43 Sec. 437.054. CERTIFICATION TO COMPTROLLER. The adjutant
1-44 general shall certify to the comptroller:

1-45 (1) the name of each eligible survivor who will be paid
1-46 a benefit under this chapter; and

1-47 (2) the amount of the benefit under this chapter that
1-48 each eligible survivor will be paid from funds specifically
1-49 appropriated to the adjutant general for that purpose.

1-50 [Sections 437.055-437.100 reserved for expansion]

1-51 SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

1-52 Sec. 437.101. ELIGIBILITY. (a) In this section, "heirs"
1-53 has the meaning assigned by Section 3, Texas Probate Code.

1-54 (b) An eligible survivor is a person designated as a
1-55 beneficiary on the deceased individual's group life insurance
1-56 program under 38 U.S.C. Section 1965 et seq.

1-57 (c) If there is not a beneficiary for the individual under
1-58 Subsection (b), the eligible survivors are the heirs.

1-59 Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) The state
1-60 shall pay \$250,000 to the eligible survivor of an individual or the
1-61 appropriate pro rata portion of that amount to the eligible
1-62 survivors of the individual. The state shall pay the benefits in
1-63 two equal installments.

2-1 (b) The state is required to make payments under this
2-2 section only to the extent that the legislature specifically
2-3 appropriates money for that purpose.
2-4 Sec. 437.103. APPLICATION FOR BENEFITS. An eligible
2-5 survivor must apply for benefits in accordance with rules adopted
2-6 under this chapter.
2-7 SECTION 2. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2009.

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