

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 6, 2009**

**TO:** Honorable Frank Corte Jr., Chair, House Committee on Defense & Veterans' Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1022** by Ellis (Relating to death benefits for the survivors of certain members of the Texas National Guard.), **As Engrossed**

<b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for SB1022, As Engrossed: a negative impact of (\$3,000,000) through the biennium ending August 31, 2011.
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**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$2,250,000)
2011	(\$750,000)
2012	(\$750,000)
2013	(\$750,000)
2014	(\$750,000)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1
2010	(\$2,250,000)
2011	(\$750,000)
2012	(\$750,000)
2013	(\$750,000)
2014	(\$750,000)

**Fiscal Analysis**

The bill would amend the Government Code by requiring that an eligible survivor of a member of the Texas National Guard who has died after September 11, 2001, while serving on federal active duty or serving in a named military operation on active duty under state authority shall be paid death benefits. The bill would require that \$250,000 be paid to the eligible survivor of an individual or the appropriate pro rata portion of that amount to the eligible survivors of the individual. According to the Adjutant General's Department (AGD), members on federal active duty include those members who are deployed to a hostile fire zone/combat zone and those members performing weekend drills. The bill would require that the AGD certify to the Comptroller of Public Accounts the name of the eligible survivor being paid the benefit as specified in the bill and also the amount of the benefit being paid. The bill requires that the state make the payments as specified in the bill, only if the Legislature appropriates the funding for that purpose.

**Methodology**

According to the Adjutant General's Department, since September 11, 2001, nine Texas National Guard members have died on duty in a hostile fire zone/combat zone and therefore the estimated cost would be \$2.25 million (9 members multiplied by \$250,000) for fiscal year 2010. At this time, the number of members who have died in places other than in a hostile fire zone/combat zone is unknown. The AGD estimates that the number could be three to five members per year. The estimated cost for each of the subsequent years is \$750,000 (3 members multiplied by \$250,000).

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 401 Adjutant General's Department

**LBB Staff:** JOB, KK, GG, SDO