

By: Alvarado

H.B. No. 1039

A BILL TO BE ENTITLED

AN ACT

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

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 Texas National Guard member 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                   Sec. 437.054. CERTIFICATION TO COMPTROLLER. The adjutant  
12 general shall certify to the comptroller:

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

15                   (2) the amount of the benefit to be paid to each  
16 eligible survivor under this chapter from funds specifically  
17 appropriated to the adjutant general for that purpose.

18                   [Sections 437.055-437.100 reserved for expansion]

19                   SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

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

22                   (b) An eligible survivor is a person designated as a  
23 beneficiary on the deceased Texas National Guard member's group  
24 life insurance program under 38 U.S.C. Section 1965 et seq.

25                   (c) If there is not a beneficiary for the Texas National  
26 Guard member under Subsection (b), the eligible survivors are the  
27 heirs.

1       Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) The state  
2 shall pay \$250,000 to the eligible survivor of a Texas National  
3 Guard member or the appropriate pro rata portion of that amount to  
4 the eligible survivors of the member. The state shall pay the  
5 benefits in two equal installments.

6       (b) The state is required to make payments under this  
7 section only to the extent that the legislature specifically  
8 appropriates money for that purpose.

9       Sec. 437.103. APPLICATION FOR BENEFITS. An eligible  
10 survivor must apply for benefits in accordance with rules adopted  
11 under this chapter.

12       SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2011.