

BILL ANALYSIS

C.S.H.B. 1278
By: Hughes
Pensions
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for the payment of certain financial assistance benefits to the survivors of law enforcement officers, firefighters, and certain other public employees killed in the line of duty. Interested parties note that the lump sum benefit paid to survivors has not increased in over a decade and that the monthly benefit for surviving children has not increased in approximately four decades. C.S.H.B. 1278 seeks to provide reasonable increases in these benefits to continue to meet the rising cost of inflation and to continue to provide for the families of those public servants who sacrificed their lives serving their communities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1278 amends the Government Code to increase from \$250,000 to \$500,000 the amount of financial assistance the state is required to pay to the eligible surviving spouse of certain law enforcement officers, firefighters, and other public employees killed in the line of duty, to such an employee's surviving children in equal shares if there is no eligible surviving spouse, or to such an employee's surviving parents in equal shares if there is no eligible surviving spouse or child. The bill increases the monthly payment the state is required to pay to the duly appointed or qualified guardian or other legal representative of such an employee's eligible surviving minor child from \$200 to \$400 if there is one surviving child, from \$300 to \$600 if there are two surviving children, and from \$400 to \$800 if there are three or more surviving children. The bill changes the date on which an eligible surviving minor child's entitlement to such assistance ends from the child's 18th birthday to the last day of the month that includes the child's 18th birthday.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1278 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 615.022, Government Code, is amended.

SECTION 2. Section 615.023(a), Government Code, is amended to read as follows:

(a) The state shall pay to the duly appointed or qualified guardian or other legal representative of an eligible surviving minor child:

- (1) \$400 [~~\$200~~] each month, if there is one surviving child;
- (2) \$600 [~~\$300~~] each month, if there are two surviving children; or
- (3) \$800 [~~\$400~~] each month, if there are three or more surviving children.

SECTION 3. The changes in law made by this Act relating to the death of certain public servants apply only in relation to a death that occurs on or after September 1, 2015. Matters regarding eligibility, payment, and other benefits in relation to a death that occurs before September 1, 2015, are governed by the law in effect when the death occurs, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Sections 615.023(a) and (b), Government Code, are amended to read as follows:

(a) The state shall pay to the duly appointed or qualified guardian or other legal representative of an eligible surviving minor child:

- (1) \$400 [~~\$200~~] each month, if there is one surviving child;
- (2) \$600 [~~\$300~~] each month, if there are two surviving children; or
- (3) \$800 [~~\$400~~] each month, if there are three or more surviving children.

(b) A child's entitlement to assistance payable under this section ends on the last day of the month that includes the child's 18th birthday. At that time, payments to any other surviving minor children shall be adjusted, as necessary, to conform to the amounts payable under Subsection (a).

SECTION 3. The changes in law made by this Act apply in relation to a payment of assistance made to survivors of certain public servants on or after the effective date of this Act regardless of the date the death of the public servant occurs.

SECTION 4. Same as introduced version.