

SENATE AMENDMENTS

2nd Printing

By: Patterson, Buckley, Cook, Raymond, Shine,
et al.

H.B. No. 90

A BILL TO BE ENTITLED

1 AN ACT

2 relating to benefits for certain members of the Texas military
3 forces and survivors of members of the Texas military forces.

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

5 SECTION 1. This Act may be cited as the Bishop Evans Act.

6 SECTION 2. Section 615.004(a), Government Code, is amended
7 to read as follows:

8 (a) A finding that assistance is payable to an eligible
9 survivor of an individual listed under Section 615.003 or 615.024
10 is not a declaration of the cause, nature, or effect of a death for
11 any other purpose.

12 SECTION 3. Section 615.021(b), Government Code, is amended
13 to read as follows:

14 (b) Payment of assistance may not occur under this
15 subchapter unless an individual is eligible under Subsection (a) or
16 Section 615.024.

17 SECTION 4. Subchapter B, Chapter 615, Government Code, is
18 amended by adding Section 615.024 to read as follows:

19 Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS
20 MILITARY FORCES. (a) In this section, "state active duty," "Texas
21 military forces," and "Texas National Guard" have the meanings
22 assigned by Section 437.001.

23 (b) Notwithstanding Section 615.003 or 615.021, a survivor
24 of an individual who is a member of the Texas military forces is

1 eligible to receive a lump sum payment described by Section 615.022
2 and monthly assistance described by Section 615.023, as applicable,
3 which are the exclusive benefits available under this chapter, if:

4 (1) the individual died on or after March 6, 2021,
5 while on state active duty;

6 (2) the Texas Military Department certifies to the
7 Employees Retirement System of Texas that the circumstances of the
8 individual's death entitle an eligible survivor to the payment of
9 assistance under this chapter; and

10 (3) the survivor is:

11 (A) if the individual is a member of the Texas
12 National Guard, a beneficiary designated by the individual on the
13 individual's United States Department of Defense Form DD-93; or

14 (B) if the individual is not a member of the Texas
15 National Guard or there is no beneficiary described by Paragraph
16 (A):

17 (i) the surviving spouse of the individual;
18 (ii) a surviving child of the individual,
19 if there is no surviving spouse; or

20 (iii) the surviving parent of the
21 individual, if there is no surviving spouse or child.

22 (c) The Texas Military Department shall adopt rules
23 providing the circumstances under which the death of an individual
24 described by Subsection (b) entitles an eligible survivor to the
25 payment of assistance under this chapter.

26 SECTION 5. Sections 615.045(a), (c), and (d), Government
27 Code, are amended to read as follows:

1 (a) Records of individuals listed by Section 615.003 or
2 described by Section 615.024 and of survivors eligible for benefits
3 under this chapter that are in the custody of the Employees
4 Retirement System of Texas, an administering firm as defined by
5 Section 1551.003, Insurance Code, a carrier as defined by Section
6 1551.007, Insurance Code, or another governmental agency acting
7 with or on behalf of the retirement system are confidential and not
8 subject to public disclosure, and the retirement system,
9 administering firm, carrier, or governmental agency is not required
10 to accept or comply with a request for a record or information about
11 a record or to seek an opinion from the attorney general, because
12 the records are exempt from the provisions of Chapter 552, except as
13 otherwise provided by this section.

14 (c) The records of individuals listed by Section 615.003 or
15 described by Section 615.024 and of eligible survivors remain
16 confidential after release to a person as authorized by this
17 section. The records of individuals listed by Section 615.003 or
18 described by Section 615.024 and of eligible survivors may become
19 part of the public record of an administrative or judicial
20 proceeding related to an appeal filed under this chapter, unless
21 the records are closed to public access by a protective order issued
22 under applicable law.

23 (d) The retirement system has sole discretion in
24 determining whether a record is subject to this section. For
25 purposes of this section, a record includes any identifying
26 information about any person, living or deceased, who is or was:

27 (1) an individual listed in Section 615.003 or

1 described by Section 615.024; or

2 (2) a survivor, heir, or beneficiary of an individual
3 listed in Section 615.003 or described by Section 615.024.

4 SECTION 6. Subchapter C, Chapter 401, Labor Code, is
5 amended by adding Section 401.027 to read as follows:

6 Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS
7 MILITARY FORCES. (a) In this section, "state active duty," "state
8 training and other duty," and "Texas military forces" have the
9 meanings assigned by Section 437.001, Government Code.

10 (b) For purposes of this subtitle, the travel of a member of
11 the Texas military forces to or from the member's duty location
12 while serving on state active duty and engaged in authorized duty
13 under written orders or while on state training and other duty is
14 considered to be in the course and scope of the member's employment.

15 SECTION 7. Section 501.001, Labor Code, is amended by
16 adding Subdivisions (5-a) and (6-a) to read as follows:

17 (5-a) "Post-traumatic stress disorder" has the
18 meaning assigned by Section 504.019.

19 (6-a) "State active duty" and "Texas military forces"
20 have the meanings assigned by Section 437.001, Government Code.

21 SECTION 8. Subchapter B, Chapter 501, Labor Code, is
22 amended by adding Sections 501.027, 501.028, and 501.029 to read as
23 follows:

24 Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER
25 FOR MEMBERS OF TEXAS MILITARY FORCES. (a) Post-traumatic stress
26 disorder suffered by a member of the Texas military forces on state
27 active duty is a compensable injury under this subtitle only if it

1 is based on a diagnosis that:

2 (1) the disorder is caused by one or more events
3 occurring in the course and scope of the member's state active duty;
4 and

5 (2) the preponderance of evidence indicates that the
6 event or events were a producing cause of the disorder.

7 (b) For purposes of this subtitle, the date of injury for
8 post-traumatic stress disorder suffered by a member of the Texas
9 military forces is the date on which the member knew or should have
10 known that the disorder may be related to the member's state active
11 duty.

12 Sec. 501.028. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR
13 CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY
14 FORCES ON STATE ACTIVE DUTY. (a) This section applies only to a
15 member of the Texas military forces who sustains a serious bodily
16 injury, as defined by Section 1.07, Penal Code, on state active
17 duty.

18 (b) An insurance carrier shall accelerate and give priority
19 to a claim for medical benefits by a member of the Texas military
20 forces to which this section applies, including all health care
21 required to cure or relieve the effects naturally resulting from a
22 compensable injury described by Subsection (a).

23 (c) The division shall accelerate, under rules adopted by
24 the commissioner of workers' compensation, a contested case hearing
25 requested by or an appeal submitted by a member of the Texas
26 military forces to which this section applies regarding the denial
27 of a claim for medical benefits, including all health care required

1 to cure or relieve the effects naturally resulting from a
2 compensable injury described by Subsection (a). The member shall
3 provide notice to the division and independent review organization
4 that the contested case or appeal involves a member of the Texas
5 military forces.

6 Sec. 501.029. INTENT OF EXPEDITED PROVISION OF MEDICAL
7 BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS
8 MILITARY FORCES. The purpose of Section 501.028 is to ensure that a
9 claim for medical benefits by an injured member of the Texas
10 military forces to which this section applies is accelerated by an
11 insurance carrier to the full extent authorized by current law.

12 SECTION 9. (a) In this section, "state active duty" and
13 "Texas military forces" have the meanings assigned by Section
14 437.001, Government Code.

15 (b) Notwithstanding any other law, a survivor of an
16 individual who was a member of the Texas military forces and who, on
17 or after the date the governor directed the Department of Public
18 Safety to initiate Operation Lone Star under Chapter 437,
19 Government Code, but before the effective date of this Act, died
20 while on state active duty is, subject to the requirements of
21 Section 615.024, Government Code, as added by this Act, eligible
22 for the benefits described by that section.

23 (c) The changes in law made by this Act relating to a claim
24 for workers' compensation benefits by a member of the Texas
25 military forces apply only to a claim for workers' compensation
26 benefits based on a compensable injury that occurs on or after the
27 effective date of this Act. A claim based on a compensable injury

1 that occurs before that date is governed by the law in effect on the
2 date that the compensable injury occurred, and the former law is
3 continued in effect for that purpose.

4 SECTION 10. This Act takes effect September 1, 2023.

ADOPTED

MAY 19 2023

Lacey Law
Secretary of the Senate

By: Huffman

H.B. No. 90

Substitute the following for __.B. No. _____:

By: Juan Huffman

C.S. __.B. No. _____

A BILL TO BE ENTITLED

1

AN ACT

2 relating to benefits for certain members of the Texas military
3 forces and survivors of members of the Texas military forces.

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

5 SECTION 1. This Act may be cited as the Bishop Evans Act.

6 SECTION 2. Subchapter C, Chapter 56B, Code of Criminal
7 Procedure, is amended by adding Section 56B.109 to read as follows:

8 Sec. 56B.109. COMPENSATION FOR CERTAIN SURVIVORS OF MEMBERS
9 OF TEXAS MILITARY FORCES. (a) In this section, "state active
10 duty," "Texas military forces," and "Texas National Guard" have the
11 meanings assigned by Section 437.001, Government Code.

12 (b) The attorney general shall award a lump sum payment in
13 accordance with Subsection (c) to a claimant on behalf of an
14 individual who is a victim of border crime and a member of the Texas
15 military forces if:

16 (1) the individual died on or after March 6, 2021, but
17 before September 1, 2023, while on state active duty;

18 (2) the individual's death was in connection with
19 operations initiated to address criminal activity in the border
20 region; and

21 (3) the claimant is:

22 (A) if the individual is a member of the Texas
23 National Guard, a beneficiary designated by the individual on the
24 individual's United States Department of Defense Form DD-93; or

1 (B) if the individual is not a member of the Texas
2 National Guard or there is no beneficiary described by Paragraph
3 (A):

4 (i) the surviving spouse of the individual;
5 (ii) a surviving child of the individual,
6 if there is no surviving spouse; or

7 (iii) the surviving parent of the
8 individual, if there is no surviving spouse or child.

9 (c) For purposes of Subsection (b), the lump sum payment
10 amount payable to an eligible claimant is:

11 (1) if there is a claimant described by Subsection
12 (b)(3)(A) or (B)(i), \$500,000 paid to the claimant; or

13 (2) if there is no claimant described by Subsection
14 (b)(3)(A) or (B)(i), \$500,000, in equal shares:

15 (A) paid to each claimant described by Subsection
16 (b)(3)(B)(ii); or

17 (B) paid to each claimant described by Subsection
18 (b)(3)(B)(iii) if there is no claimant described by Subsection
19 (b)(3)(B)(ii).

20 (d) This section may not be construed to limit the
21 assistance or compensation a claimant may otherwise receive under
22 this chapter.

23 (e) For purposes of this section, a beneficiary designated
24 by an individual on the individual's United States Department of
25 Defense Form DD-93 is a "claimant."

26 SECTION 3. Section 615.004(a), Government Code, is amended
27 to read as follows:

1 (a) A finding that assistance is payable to an eligible
2 survivor of an individual listed under Section 615.003 or 615.024
3 is not a declaration of the cause, nature, or effect of a death for
4 any other purpose.

5 SECTION 4. Section 615.021(b), Government Code, is amended
6 to read as follows:

7 (b) Payment of assistance may not occur under this
8 subchapter unless an individual is eligible under Subsection (a) or
9 Section 615.024.

10 SECTION 5. Subchapter B, Chapter 615, Government Code, is
11 amended by adding Section 615.024 to read as follows:

12 Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS
13 MILITARY FORCES. (a) In this section, "state active duty," "Texas
14 military forces," and "Texas National Guard" have the meanings
15 assigned by Section 437.001.

16 (b) Notwithstanding Section 615.003 or 615.021, a survivor
17 of an individual who is a member of the Texas military forces is
18 eligible to receive a lump sum payment described by Section 615.022
19 and monthly assistance described by Section 615.023, as applicable,
20 which are the exclusive benefits available under this chapter, if:

21 (1) the individual died while on state active duty;

22 (2) the Texas Military Department certifies to the
23 Employees Retirement System of Texas that the circumstances of the
24 individual's death entitle an eligible survivor to the payment of
25 assistance under this chapter; and

26 (3) the survivor is:

27 (A) if the individual is a member of the Texas

1 National Guard, a beneficiary designated by the individual on the
2 individual's United States Department of Defense Form DD-93; or

3 (B) if the individual is not a member of the Texas
4 National Guard or there is no beneficiary described by Paragraph

5 (A):

6 (i) the surviving spouse of the individual;

7 (ii) a surviving child of the individual,

8 if there is no surviving spouse; or

9 (iii) the surviving parent of the

10 individual, if there is no surviving spouse or child.

11 (c) The Texas Military Department shall adopt rules

12 providing the circumstances under which the death of an individual

13 described by Subsection (b) entitles an eligible survivor to the

14 payment of assistance under this chapter.

15 SECTION 6. Sections 615.045(a), (c), and (d), Government
16 Code, are amended to read as follows:

17 (a) Records of individuals listed by Section 615.003 or

18 described by Section 615.024 and of survivors eligible for benefits

19 under this chapter that are in the custody of the Employees

20 Retirement System of Texas, an administering firm as defined by

21 Section 1551.003, Insurance Code, a carrier as defined by Section

22 1551.007, Insurance Code, or another governmental agency acting

23 with or on behalf of the retirement system are confidential and not

24 subject to public disclosure, and the retirement system,

25 administering firm, carrier, or governmental agency is not required

26 to accept or comply with a request for a record or information about

27 a record or to seek an opinion from the attorney general, because

1 the records are exempt from the provisions of Chapter 552, except as
2 otherwise provided by this section.

3 (c) The records of individuals listed by Section 615.003 or
4 described by Section 615.024 and of eligible survivors remain
5 confidential after release to a person as authorized by this
6 section. The records of individuals listed by Section 615.003 or
7 described by Section 615.024 and of eligible survivors may become
8 part of the public record of an administrative or judicial
9 proceeding related to an appeal filed under this chapter, unless
10 the records are closed to public access by a protective order issued
11 under applicable law.

12 (d) The retirement system has sole discretion in
13 determining whether a record is subject to this section. For
14 purposes of this section, a record includes any identifying
15 information about any person, living or deceased, who is or was:

16 (1) an individual listed in Section 615.003 or
17 described by Section 615.024; or

18 (2) a survivor, heir, or beneficiary of an individual
19 listed in Section 615.003 or described by Section 615.024.

20 SECTION 7. Subchapter C, Chapter 401, Labor Code, is
21 amended by adding Section 401.027 to read as follows:

22 Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS
23 MILITARY FORCES. (a) In this section, "state active duty," "state
24 training and other duty," and "Texas military forces" have the
25 meanings assigned by Section 437.001, Government Code.

26 (b) For purposes of this subtitle, the travel of a member of
27 the Texas military forces to or from the member's duty location

1 while serving on state active duty and engaged in authorized duty
2 under written orders or while on state training and other duty is
3 considered to be in the course and scope of the member's employment.

4 SECTION 8. Section 501.001, Labor Code, is amended by
5 adding Subdivisions (5-a) and (6-a) to read as follows:

6 (5-a) "Post-traumatic stress disorder" has the
7 meaning assigned by Section 504.019.

8 (6-a) "State active duty" and "Texas military forces"
9 have the meanings assigned by Section 437.001, Government Code.

10 SECTION 9. Subchapter B, Chapter 501, Labor Code, is
11 amended by adding Sections 501.027, 501.028, and 501.029 to read as
12 follows:

13 Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER
14 FOR MEMBERS OF TEXAS MILITARY FORCES. (a) Post-traumatic stress
15 disorder suffered by a member of the Texas military forces on state
16 active duty is a compensable injury under this subtitle only if it
17 is based on a diagnosis that:

18 (1) the disorder is caused by one or more events
19 occurring in the course and scope of the member's state active duty;
20 and

21 (2) the preponderance of evidence indicates that the
22 event or events were a producing cause of the disorder.

23 (b) For purposes of this subtitle, the date of injury for
24 post-traumatic stress disorder suffered by a member of the Texas
25 military forces is the date on which the member knew or should have
26 known that the disorder may be related to the member's state active
27 duty.

1 Sec. 501.028. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR
2 CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY
3 FORCES ON STATE ACTIVE DUTY. (a) This section applies only to a
4 member of the Texas military forces who sustains a serious bodily
5 injury, as defined by Section 1.07, Penal Code, on state active
6 duty.

7 (b) An insurance carrier shall accelerate and give priority
8 to a claim for medical benefits by a member of the Texas military
9 forces to which this section applies, including all health care
10 required to cure or relieve the effects naturally resulting from a
11 compensable injury described by Subsection (a).

12 (c) The division shall accelerate, under rules adopted by
13 the commissioner of workers' compensation, a contested case hearing
14 requested by or an appeal submitted by a member of the Texas
15 military forces to which this section applies regarding the denial
16 of a claim for medical benefits, including all health care required
17 to cure or relieve the effects naturally resulting from a
18 compensable injury described by Subsection (a). The member shall
19 provide notice to the division and independent review organization
20 that the contested case or appeal involves a member of the Texas
21 military forces.

22 Sec. 501.029. INTENT OF EXPEDITED PROVISION OF MEDICAL
23 BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS
24 MILITARY FORCES. The purpose of Section 501.028 is to ensure that a
25 claim for medical benefits by an injured member of the Texas
26 military forces to which this section applies is accelerated by an
27 insurance carrier to the full extent authorized by current law.

1 SECTION 10. (a) The changes in law made by this Act to
2 Chapter 615, Government Code, relating to the death of a member of
3 the Texas military forces applies only to a death that occurs on or
4 after the effective date of this Act. For purposes of that chapter,
5 the death of a member of the Texas military forces that occurs
6 before the effective date of this Act is governed by the law in
7 effect on the date the death occurred, and the former law is
8 continued in effect for that purpose.

9 (b) The changes in law made by this Act relating to a claim
10 for workers' compensation benefits by a member of the Texas
11 military forces apply only to a claim for workers' compensation
12 benefits based on a compensable injury that occurs on or after the
13 effective date of this Act. A claim based on a compensable injury
14 that occurs before that date is governed by the law in effect on the
15 date that the compensable injury occurred, and the former law is
16 continued in effect for that purpose.

17 SECTION 11. This Act takes effect September 1, 2023.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB90 by Patterson (Relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB90, As Passed 2nd House : a negative impact of (\$4,848,891) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable (Cost) from General Revenue Fund 1</i>	<i>Probable (Cost) from Crime Victims Comp Acct 469</i>
2024	(\$2,364,159)	(\$2,000,000)
2025	(\$2,484,732)	\$0
2026	(\$2,546,850)	\$0
2027	(\$2,602,881)	\$0
2028	(\$2,660,144)	\$0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to provide for a lump sum payment of \$500,000 to certain survivors of members of Texas military forces who died on or after March 6, 2021, but before September 1, 2023 and whose death was in connection with operations initiated to address criminal activity in the border region.

The bill would add survivors of a member of the Texas military forces on state active duty who died in the line of duty to the current list of those eligible to receive certain survivor benefits under Chapter 615 of the Government Code. The bill would also amend the Labor Code to state that the travel of a member of the Texas

military forces to or from the member's duty location or while on state training is considered to be in the course and scope of the member's employment for purposes of the Texas Workers' Compensation Act. A survivor of a member of the Texas military forces, as provided by this bill, would not be considered a surviving spouse for the purposes of the total residential homestead exemption for the surviving spouse of a first responder under Section 11.134 of the Tax Code. These provisions apply to deaths that occurred on or after September 1, 2023.

Methodology

The lump sum payment for survivors who died who died on or after March 6, 2021, but before September 1, 2023 would be paid through Crime Victims' Compensation program, administered by the Office of the Attorney General (OAG). The OAG estimates a fiscal impact of \$2,000,000 out of the GR-Dedicated Compensation to Victims of Crime Account 469 in fiscal year 2024 for this provision of the bill.

Chapter 615 of the Government Code states that the lump sum payment for those eligible to receive benefits is \$500,000, adjusted each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPIU). According to the Employees Retirement System (ERS), the lump sum payment for fiscal year 2023 was \$554,967. Based on information from the Texas Military Department (TMD) it is estimated there will be four claims per year applicable to the bill. The CPIU applicable to claims in fiscal year 2024 is 6.5%. Estimates of the Consumer Price Index contained in the Comptroller's Biennial Revenue Estimate published in January 2023 were used for fiscal years 2025 to 2028. Based on these assumptions, for the provisions of the bill applying to Chapter 615, it is estimated the cost to General Revenue will be approximately \$2.4 million in fiscal year 2024, \$2.5 million in fiscal years 2025 and 2026, \$2.6 million in fiscal year 2027, and \$2.7 million in fiscal year 2028.

According to the State Office of Risk Management (SORM), the state could experience an increase in claims from the Texas Military Department for state active duty personnel. An increase in workers' compensation claims would be funded through assessments paid by state agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System

LBB Staff: JMc, SD, KK, LCO, JPO, NV, HGR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Joan Huffman, Chair, Senate Committee on Finance

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB90 by Patterson (relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB90, Committee Report 2nd House, Substituted : a negative impact of (\$4,848,891) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1	Probable (Cost) from Crime Victims Comp Acct 469
2024	(\$2,364,159)	(\$2,000,000)
2025	(\$2,484,732)	\$0
2026	(\$2,546,850)	\$0
2027	(\$2,602,881)	\$0
2028	(\$2,660,144)	\$0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to provide for a lump sum payment of \$500,000 to certain survivors of members of Texas military forces who died on or after March 6, 2021, but before September 1, 2023 and whose death was in connection with operations initiated to address criminal activity in the border region.

The bill would add survivors of a member of the Texas military forces on state active duty who died in the line of duty to the current list of those eligible to receive certain survivor benefits under Chapter 615 of the Government Code. The bill would also amend the Labor Code to state that the travel of a member of the Texas

military forces to or from the member's duty location or while on state training is considered to be in the course and scope of the member's employment for purposes of the Texas Workers' Compensation Act. A survivor of a member of the Texas military forces, as provided by this bill, would not be considered a surviving spouse for the purposes of the total residential homestead exemption for the surviving spouse of a first responder under Section 11.134 of the Tax Code. These provisions apply to deaths that occurred on or after September 1, 2023.

Methodology

The lump sum payment for survivors who died on or after March 6, 2021, but before September 1, 2023 would be paid through Crime Victims' Compensation program, administered by the Office of the Attorney General (OAG). The OAG estimates a fiscal impact of \$2,000,000 out of the GR-Dedicated Compensation to Victims of Crime Account 469 in fiscal year 2024 for this provision of the bill.

Chapter 615 of the Government Code states that the lump sum payment for those eligible to receive benefits is \$500,000, adjusted each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPIU). According to the Employees Retirement System (ERS), the lump sum payment for fiscal year 2023 was \$554,967. Based on information from the Texas Military Department (TMD) it is estimated there will be four claims per year applicable to the bill. The CPIU applicable to claims in fiscal year 2024 is 6.5%. Estimates of the Consumer Price Index contained in the Comptroller's Biennial Revenue Estimate published in January 2023 were used for fiscal years 2025 to 2028. Based on these assumptions, for the provisions of the bill applying to Chapter 615, it is estimated the cost to General Revenue will be approximately \$2.4 million in fiscal year 2024, \$2.5 million in fiscal years 2025 and 2026, \$2.6 million in fiscal year 2027, and \$2.7 million in fiscal year 2028.

According to the State Office of Risk Management (SORM), the state could experience an increase in claims from the Texas Military Department for state active duty personnel. An increase in workers' compensation claims would be funded through assessments paid by state agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 327 Employees Retirement System

LBB Staff: JMc, KK, LCO, JPO, NV, HGR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 12, 2023

TO: Honorable Joan Huffman, Chair, Senate Committee on Finance

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB90 by Patterson (Relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB90, As Engrossed : a negative impact of (\$9,538,824) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2024	(\$7,054,092)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from <i>General Revenue Fund</i> 1
2024	(\$7,054,092)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

Fiscal Analysis

The bill would add survivors of a member of the Texas military forces on state active duty who died in the line of duty to the current list of those eligible to receive certain survivor benefits under Chapter 615 of the Government Code. The bill would also amend the Labor Code to state that the travel of a member of the Texas military forces to or from the member's duty location or while on state training is considered to be in the course and scope of the member's employment for purposes of the Texas Workers' Compensation Act. A survivor of a member of the Texas military forces, as provided by this bill, would not be considered a surviving spouse for the purposes of the total residential homestead exemption for the surviving spouse of a first responder under Section 11.134 of the Tax Code. The bill applies to deaths that occurred on or March 6, 2021.

Methodology

Chapter 615 of the Government Code states that the lump sum payment for those eligible to receive benefits is \$500,000, adjusted each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). According to the Employees Retirement System (ERS), the lump sum payment for fiscal year 2023 was \$554,967. The cost for deaths that occurred before the beginning of fiscal year 2024 are estimated at \$4.7 million. Based on information from the Texas Military Department (TMD) it is estimated there will be four claims per year applicable to the bill for fiscal year 2024 and subsequent years. The CPI-U applicable to claims in fiscal year 2024 is 6.5%. Estimates of the Consumer Price Index contained in the Comptroller's Biennial Revenue Estimate published in January 2023 were used for fiscal years 2025 to 2028. Based on these assumptions, it is estimated the cost to General Revenue will be approximately \$7.1 million in fiscal year 2024, which includes claims for that year as well as claims for deaths that occurred between March 6, 2021 and August 31, 2023. The cost for implementing the provisions of the bill are estimated at \$2.5 million in fiscal years 2025 and 2026, \$2.6 million in fiscal year 2027, and \$2.7 million in fiscal year 2028.

According to the State Office of Risk Management (SORM), the state could experience an increase in claims from the Texas Military Department for state active duty personnel. An increase in workers' compensation claims would be funded through assessments paid by state agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System, 401 Military Department, 454 Department of Insurance, 479 State Office of Risk Management

LBB Staff: JMc, KK, LCO, JPO, AF, CMA, NV, SMAT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 27, 2023

TO: Honorable Terry M. Wilson, Chair, House Committee on Defense & Veterans' Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB90 by Patterson (relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB90, Committee Report 1st House, Substituted : a negative impact of (\$4,848,891) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

Fiscal Analysis

The bill would add survivors of a member of the Texas military forces on state active duty who died in the line of duty to the current list of those eligible to receive certain survivor benefits under Chapter 615 of the Government Code. The bill would also amend the Labor Code to state that the travel of a member of the Texas military forces to or from the member's duty location is considered to be in the course and scope of the member's employment for purposes of the Texas Workers' Compensation Act. A survivor of a member of the Texas military forces, as provided by this bill, would not be considered a surviving spouse for the purposes of the total residential homestead exemption for the surviving spouse of a first responder under Section 11.134 of the Tax Code. The bill would take effect September 1, 2023.

Methodology

Chapter 615 of the Government Code states that the lump sum payment for those eligible to receive benefits is \$500,000, adjusted each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). According to the Employees Retirement System (ERS), the lump sum payment for fiscal year 2023 was \$554,967. Based on information from the Texas Military Department (TMD) it is estimated there will be four claims per year applicable to the bill. The CPI-U applicable to claims in fiscal year 2024 is 6.5%. Estimates of the Consumer Price Index contained in the Comptroller's Biennial Revenue Estimate published in January 2023 were used for fiscal years 2025 to 2028. Based on these assumptions, it is estimated the cost to General Revenue will be approximately \$2.4 million in fiscal year 2024, \$2.5 million in fiscal years 2025 and 2026, \$2.6 million in fiscal year 2027, and \$2.7 million in fiscal year 2028.

According to the State Office of Risk Management (SORM), the state could experience an increase in claims from the Texas Military Department for state active duty personnel. An increase in workers' compensation claims would be funded through assessments paid by state agencies.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System, 401 Military Department, 454 Department of Insurance, 479 State Office of Risk Management

LBB Staff: JMc, AF, LCO, JPO, CMA, NV, SMAT

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 15, 2023

TO: Honorable Terry M. Wilson, Chair, House Committee on Defense & Veterans' Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB90 by Patterson (Relating to benefits for certain members of the Texas military forces and survivors of members of the Texas military forces.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB90, As Introduced : a negative impact of (\$4,848,891) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1
2024	(\$2,364,159)
2025	(\$2,484,732)
2026	(\$2,546,850)
2027	(\$2,602,881)
2028	(\$2,660,144)

Fiscal Analysis

The bill would add survivors of a member of the Texas military forces on state active duty who died in the line of duty to the current list of those eligible to receive certain survivor benefits under Chapter 615 of the Government Code. The bill would also amend the Labor Code to state that the travel of a member of the Texas military forces to or from the member's duty location is considered to be in the course and scope of the member's employment for purposes of the Texas Workers' Compensation Act. The bill would take effect September 1, 2023.

Methodology

Chapter 615 of the Government Code states that the lump sum payment for those eligible to receive benefits is \$500,000, adjusted each year by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U). According to the Employees Retirement System (ERS), the lump sum payment for fiscal year 2023 was \$554,967. Based on information from the Texas Military Department (TMD) it is estimated there will be four claims per year applicable to the bill. The CPI-U applicable to claims in fiscal year 2024 is 6.5%. Estimates of the Consumer Price Index contained in the Comptroller's Biennial Revenue Estimate published in January 2023 were used for fiscal years 2025 to 2028. Based on these assumptions, it is estimated the cost to General Revenue will be approximately \$2.4 million in fiscal year 2024, \$2.5 million in fiscal years 2025 and 2026, \$2.6 million in fiscal year 2027, and \$2.7 million in fiscal year 2028.

According to the State Office of Risk Management (SORM), the state could experience an increase in claims from the Texas Military Department for state active duty personnel. An increase in workers' compensation claims would be funded through assessments paid by state agencies.

Local Government Impact

Passage of the bill would increase the number of surviving spouses who are eligible for a total exemption from ad valorem taxation of real property.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System, 401 Military Department, 454 Department of Insurance, 479 State Office of Risk Management

LBB Staff: JMc, AF, LCO, JPO, CMA, NV, SMAT