

SUBJECT: Expanding certain benefits for members of the Texas Military

COMMITTEE: Defense & Veterans' Affairs — committee substitute recommended

VOTE: 9 ayes — Wilson, R. Lopez, Bumgarner, Dorazio, Frank, Garcia, Morales Shaw, Muñoz, Jr., Slaton

0 nays

WITNESSES: For —Marvin Harris, National Guard Association of Texas; Robert Miller, State Guard Association of Texas; Steven Price, The VOICES of our Veterans; Hunter Schuler, TSEU; Mitch Fuller, Veterans of Foreign Wars (VFW) Department of Texas; Tony Dale; Heriberto Rodriguez (*Registered, but did not testify*: Sheena Rodriguez, Alliance for a Safe Texas; Joe Morris, Game Warden Peace Officers Association; Lenore Enzel, Military Officers Assn of America; James Cunningham, Military officers Association of America and Texas Coalition of Veterans Organizations; Jessica Dunn, MOAA; Denise Gordon, Texas Democratic Veterans Caucus; John Wilkerson, Texas Municipal Police Association; Tyler Sheldon, Texas State Employees Union; William West, The American Legion; Charlie Malouff; Kym Olson)

Against — (*Registered, but did not testify*: Susan Stewart)

On — Erica De La Cruz, Texas Department of Insurance, Division of Workers' Compensation; Shelia Taylor, Texas Military Department (*Registered, but did not testify*: Robin Hardaway, Employees Retirement System; Stephen Vollbrecht, State Office of Risk Management; Robin Gardner and Melissa Harden, Texas Military Department)

DIGEST: CSHB 90 would establish an assistance payment for certain survivors of a member of the Texas Military that died while on state active duty. The Texas Military Department would be required to determine the circumstances under which a member's death qualified for benefits and to certify whether a specific member's death qualified for payment. Survivors eligible for the payment would include the member's spouse,

child if no surviving spouse, or parent if no surviving spouse or child.

Records related to assistance payments would be kept confidential and would not be subject to public disclosure unless a survivor filed an appeal and information related to the appeal became part of the public record of the administrative or judicial proceeding.

The bill would add post-traumatic stress disorder as a covered injury under workers' compensation if the disorder was caused by one or more events that occurred during a member's state active duty, and a preponderance of evidence indicated that the state active-duty events were a leading cause of the disorder. The bill would establish certain requirements for determining when the injury occurred.

CSHB 90 further would establish that travel of a member of the Texas Military to and from the member's duty location would be considered part of the member's employment for the purpose of a workers' compensation determination.

Under the bill, workers' compensation insurers would be required to accelerate and give priority to medical claims for members of the Texas Military that sustain serious bodily injury while on state active duty. Further, the bill would require the Department of Insurance to accelerate a contested case hearing or appeal related to denial of a claim from a member of the Texas Military that sustained a serious bodily injury while on state active duty.

The bill would be known as the Bishop Evans Act.

The bill would take effect September 1, 2023 and would apply only to deaths or injuries resulting in workers' compensation claims that occurred on or after the effective date of the bill.

SUPPORTERS
SAY:

CSHB 90 would extend important benefits to members of the Texas Military/Texas Guard. When a Texas Guard member is deployed on a national initiative and died on that deployment, the member's family

receives survivor benefits. However, if the same member is sent to the Texas border and dies while serving on a state deployment, there are no survivor benefits. The state provides survivor benefits for law enforcement officers, fire fighters, first responders and other public servants killed while on duty and should do the same for Guard members. The bill would establish parity for Guard members serving the state. As the scope of duty and length of deployment grows for certain Guard members, benefits should also be expanded. Extending survivor benefits would help ease the financial strain and burden on Guard families dealing with unexpected loss.

CRITICS
SAY:

CSHB 90 would establish future benefits for Texas Guard members and families, but the bill would not address the needs of families that have already experienced a loss. The bill should be revised so that families of Guard members who died while serving on a state deployment in recent years received benefits as well.

NOTES:

According to the Legislative Budget Board, CSHB 90 would have a negative impact of \$4,848,891 through August 31, 2025.