

BILL ANALYSIS

Senate Research Center

C.S.S.B. 518
By: Ellis, Shapleigh
Veteran Affairs & Military Installations
4/13/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the death benefit for a member of the state military forces who is killed or disabled while engaged in authorized training or duty is approximately \$21,000. As of January 2007, 10 Texas National Guard members had lost their lives in Afghanistan and Iraq. Other states, such as Ohio, have recently considered legislation to increase the death benefit. Furthermore, 43 states are considering bills to assist military families with life insurance policies.

C.S.S.B. 518 requires the adjutant general to administer the payment of benefits to eligible survivors of Texas National Guard members and sets forth eligibility requirements.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the adjutant general in SECTION 1 (Section 437.052, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 4, Government Code, by adding Chapter 437, as follows:

CHAPTER 437. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITION. Defines "eligible survivor."

Sec. 437.002. APPLICABILITY. Provides that this chapter applies only to eligible survivors of a member of the Texas National Guard who died after September 11, 2001, while on federal active duty under Title 10 (Armed Forces), United States Code, or while serving in a named military operation on active duty under state authority in accordance with Title 32 (National Guard), United States Code.

Sec. 437.003. ADDITIONAL BENEFIT. Provides that the benefit provided under this chapter is in addition to any other benefit provided under state or federal law.

[Reserves Sections 437.004-437.050 for expansion.]

SUBCHAPTER B. ADMINISTRATION OF CHAPTER

Sec. 437.051. ADJUTANT GENERAL. Requires the adjutant general to administer this chapter for the payment of benefits to eligible survivors of Texas National Guard members.

Sec. 437.052. RULES. Requires the adjutant general to adopt rules to administer this chapter, including certain rules and procedures.

Sec. 437.053. GIFTS; GRANTS. Authorizes the adjutant general to accept gifts and grants to make payments under this chapter.

Sec. 437.054. CERTIFICATION TO COMPTROLLER. Requires the adjutant general to certify certain information to the comptroller of public accounts.

[Reserves Sections 437.055-437.100 for expansion.]

SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

Sec. 437.101. ELIGIBILITY. Defines "heirs." Provides that an eligible survivor is a person designated as a beneficiary on the deceased individual's group life insurance program under 38 U.S.C. Section 1965 et seq., but if this does not provide a beneficiary for the individual, the eligible survivors are the heirs.

Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. Requires the state to pay \$250,000 to the eligible survivor of an individual or the appropriate pro rata portion of that amount to the eligible survivors of the individual. Requires the state to pay the benefits in two equal installments.

Sec. 437.103. APPLICATION FOR BENEFITS. Requires an eligible survivor to apply for benefits in accordance with this chapter.

SECTION 2. Effective date: upon passage or September 1, 2007.