

SUBJECT: Death benefits for survivors of deceased Texas National Guard members

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 8 ayes — Corte, Vaught, Chavez, Edwards, Farias, Maldonado, Ortiz,  
C. Turner

0 nays

1 absent — Pickett

SENATE VOTE: On final passage, April 24 — 29-1 (Nichols)

WITNESSES: For — Paul Herrera, American G.I. Forum; (*Registered, but did not testify*: Olie Pope, Veterans County Service Officers Association of Texas; Gil Rodriguez, American G.I. Forum)

Against — None

On — (*Registered, but did not testify*: Stephen Volbrecht, State Office of Risk Management)

DIGEST: SB 1022 would require the state to pay \$250,000 in death benefits to the eligible survivor or survivors of a member of the Texas National Guard who died after September 11, 2001, while on federal active duty or while serving in a named military operation on active duty under state authority. The payments would be made in two equal installments and would be provided in addition to any other benefit provided under state or federal law.

The adjutant general would administer the benefit payments and would be required to develop rules and procedures for making a claim, appealing decisions, and receiving benefits. The adjutant general would be required to certify to the state comptroller the name of each eligible survivor who would receive benefits and the amount of the benefit that each survivor would be paid from funds specifically appropriated for that purpose. Death benefit payments would not be mandatory during a fiscal period for which the Legislature did not make a specific appropriation for that purpose. The

adjutant general also would be allowed to accept gifts and grants to make death benefit payments.

A person eligible to receive the death benefits established by the bill would be a person designated as a beneficiary on the deceased National Guard member's group life insurance program. If no beneficiary was named, the National Guard member's heirs would be eligible to receive death benefits if they applied for the benefits in accordance with the rules adopted by the adjutant general.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

Texas National Guard members risk their lives on behalf of the state, so the Legislature should show its gratitude by providing a deceased Guard member's family with a death benefit payment other than the workers' compensation the survivors would receive. While expanding benefit payment eligibility would be ideal, the realities of the state budget should be taken into account. The Texas National Guard is a good starting point for these payments because of the Guard's service on behalf of the state and because of the number of Guard members who have lost their lives since September 11, 2001.

**OPPONENTS  
SAY:**

The state should not provide an additional benefit payment to survivors of Texas National Guard members at a cost to the state if those survivors already receive other federal or state benefits.

**OTHER  
OPPONENTS  
SAY:**

SB 1022 should be expanded to include survivors of other Texas military members who lost their lives while serving their state and their country.

**NOTES:**

The Legislative Budget Board estimates a cost of \$3 million in General Revenue funds in fiscal 2010-2011 and \$1.5 million in each succeeding biennium.