

SUBJECT: Death benefits for survivors of an organized volunteer firefighting unit

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 4 ayes — Driver, Garza, Hupp, Hegar

0 nays

3 absent — Burnam, Y. Davis, Keel

WITNESSES: For — Helen Johnson, State Firemen's and Fire Marshals' Association

Against — None

BACKGROUND: Government Code, ch. 615 establishes that if certain public safety workers are killed in the line of duty, a surviving spouse is entitled to receive a one-time sum of \$250,000. Among other groups, the statute covers members of an organized volunteer firefighting unit with at least 20 active members.

The 77th Legislature in 2001 enacted HB 877 by Flores, increasing the benefit from \$50,000 to the current amount. The act also provided that if there is no eligible surviving spouse, the state pays \$250,000 in equal shares to surviving children. If there is no eligible surviving spouse or child, the state pays \$250,000 in equal shares to surviving parents. For one surviving child, the legal guardian receives \$200 per month; for two surviving children, \$300 per month; and for three or more surviving children, \$400 until a child's 21st birthday. At that time, payments are adjusted for any remaining surviving children.

DIGEST: CSHB 2237 would extend death benefits to eligible survivors of a firefighter killed in the line of duty who was a member of an organized volunteer firefighting unit with at least 10 active members, rather than at least 20 members, as in current law.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: CSHB 2237 would extend applicability of death benefits to firefighters in volunteer units with 10 or more members. The bill would recognize and compensate more volunteer firefighters who risk their lives to provide an invaluable service, particularly in small Texas communities.

The \$255,000 biennial cost to the state reflected in the fiscal note would assume that one death occurred every two years. However, the last recorded instance of a death applicable under this legislation was in 1993. Only two applicable deaths have occurred since recordkeeping began in 1981. Thus, it is likely that the state would not incur a cost as high as predicted.

OPPONENTS SAY: While it would be honorable for the state to extend death benefits to survivors of smaller volunteer firefighting units, the state has more urgent needs for the general revenue that CSHB 2237 would require.

OTHER OPPONENTS SAY: Recognizing firefighters' ultimate sacrifice should not depend on the size of their organizations. The bill should set no specific threshold on the size of a volunteer firefighting unit whose members would be covered.

NOTES: The committee substitute changed the filed version of HB 2237 to conform to the Texas Legislative Council format.

The bill's fiscal note projects a general revenue cost of about \$255,000 during fiscal 2004-05.

A related bill, SB 482 by Madla, et al., would extend death benefits to eligible survivors of police and fire chaplains killed in the line of duty, passed the Senate on the Local and Uncontested Calendar on March 27 and was reported favorably, as substituted, by the House Corrections Committee on April 29.