

BILL ANALYSIS

Senate Research Center
82R617 MCK-D

S.B. 451
By: Ellis
Veteran Affairs & Military Installations
3/3/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since September 11, 2001, sixteen Texas National Guard members have paid the ultimate sacrifice on behalf our nation. The State of Texas should honor the sacrifice of these brave men and women.

As proposed, S.B. 451 provides that death benefits of \$250,000 be paid in two equal installments to certain beneficiaries of members of the Texas National Guard killed in action. This benefit would be in addition to any other state or federal death benefit for Guard members killed while on active duty.

As proposed, S.B. 451 amends current law relating to death benefits for eligible survivors of certain Texas National Guard members.

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, in this chapter, "eligible survivor."

Sec. 437.002. APPLICABILITY. Provides that this chapter applies only to eligible survivors of a Texas National Guard member who died after September 11, 2001, while on federal active duty under Title 10, United States Code, or while serving in a named military operation on active duty under state authority in accordance with Title 32, 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 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 rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this chapter.

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 to the comptroller of public accounts the name of each eligible survivor who will be paid a benefit under this chapter, and the amount of the benefit to be paid to each eligible survivor under this chapter from funds specifically appropriated to the adjutant general for that purpose.

[Reserves Sections 437.055-437.100 for expansion.]

SUBCHAPTER C. PAYMENTS TO ELIGIBLE SURVIVORS

Sec. 437.101. ELIGIBILITY. (a) Defines, in this section, "heirs."

(b) Provides that an eligible survivor is a person designated as a beneficiary on the deceased Texas National Guard member's group life insurance program under 38 U.S.C. Section 1965 et seq.

(c) Provides that if there is not a beneficiary for the Texas National Guard member under Subsection (b), the eligible survivors are the heirs.

Sec. 437.102. PAYMENT TO ELIGIBLE SURVIVOR. (a) Requires the state to pay \$250,000 to the eligible survivor of a Texas National Guard member or the appropriate pro rata portion of that amount to the eligible survivors of the member. Requires the state to pay the benefits in two equal installments.

(b) Provides that the state is required to make payments under this section only to the extent that the legislature specifically appropriates money for that purpose.

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

SECTION 2. Effective date: upon passage or September 1, 2011.