

SUBJECT: Increasing benefits for survivors of peace officers and other public servants

COMMITTEE: Appropriations — committee substitute recommended

VOTE: 14 ayes — Junell, West, Coleman, Delisi, Gallego, Glaze, Heflin, Moreno, Allen, Farrar, Giddings, Janek, McReynolds, Pickett

0 nays

13 absent — Gutierrez, Hamric, Maxey, Mowery, Puente, S. Turner, Eiland, Flores, Hochberg, T. King, Luna, Pitts, Smith

WITNESSES: (*On committee substitute:*)

For — *Registered but did not testify:* Cris Andersen, James D. Jones, and Feliciano F. Rendon Jr., San Antonio Police Officers' Association; Keith Oakley, Texas Municipal Police Associations

Against — None

BACKGROUND: Government Code, sec. 615.003 lists public servants whose survivors are eligible for state financial assistance: peace, probation, and parole officers; paid jailers; police reserve or auxiliary unit members; state prison and jail personnel; county jailers or guards; state juvenile correction employees; Mental Health and Mental Retardation Department employees working at the maximum security unit or at state prisons; fire fighters; and emergency medical services personnel. If these public servants die in the line of duty, state law provides their survivors \$50,000.

DIGEST: CSHB 253 would increase cash payments and provide educational benefits to survivors of peace officers, fire fighters, and other public safety professionals killed in the line of duty.

The lump-sum death benefit would increase to \$250,000 for a surviving spouse. If there were no surviving spouse, that benefit would be divided equally among all surviving children, regardless of age. If there were no surviving spouse or children, the benefit would be paid to the surviving

parents. The bill would eliminate monthly benefits for surviving minor children and benefits for surviving dependent siblings.

CSHB 253 would exempt a surviving spouse or dependent child who enrolled in a public institution of higher education from costs of tuition, fees, housing, and food. The institution would have to pay the student for off-campus housing if the institution had no vacancies, unless the student would not qualify to live in on-campus housing. The institution also would have to reimburse the survivor for textbook costs. This assistance would end when the student received a bachelor's degree or had earned 200 credit hours, whichever occurred first.

Only survivors of personnel killed on or after September 1, 2000, would be eligible for the increased benefits.

CSHB 253 would make dependent siblings no longer eligible as survivors and would remove the requirement that eligible surviving parents must have been dependents of the deceased.

This 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, 2001.

NOTES:

The bill's fiscal note estimates the cost at \$2.8 million in general revenue for fiscal 2002-03, based on an average of 10 deaths per year involving payments to a surviving spouse. The program is funded by general revenue, but up to 40 percent of the cost could be borne by the crime victims' compensation fund because that proportion of deaths might be attributed to criminally injurious conduct. Higher education expenses are estimated to total \$8,200 per year per student. One dependent child would be expected to receive educational benefits in the first year and one additional child would be eligible every other year.

The bill as filed would have retained the provision that makes dependent siblings eligible survivors. The committee substitute added the repeal of monthly payments to dependent siblings, minor children, and parents. It removed the age requirement for surviving children to receive cash payments, as well as the dependent requirement for parents. Also, the filed

version would not have made the application of increased benefits retroactive to September 1, 2000.

At least two similar bills have been filed this session. HB 459 by Carter passed the House on March 13 by 147-0-2 and has been referred to the Senate Education Committee, which scheduled a public hearing May 2. HB 2980 by Dukes was considered in a public hearing by the House Higher Education Committee on April 3 and referred to a subcommittee.