

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1107  
By: Duncan  
Intergovernmental Relations  
4-17-97  
Committee Report (Substituted)

### **DIGEST**

Currently, certified on- or off-duty fire fighters who die while performing fire fighting duties for the public are ineligible for death benefits under Chapter 615, Government Code. Article III, Section 51-d of the Texas Constitution authorized the legislature to provide for assistance payments to "the surviving minor children" of certain officers of police and fire departments. The statute was recodified in 1973 as Article 6228f, V.T.C.S. The 73rd Legislature recodified Article 6228f, V.T.C.S., to Chapter 615, Government Code, and raised the death benefit from \$20,000 to \$50,000. C.S.S.B. 1107 would allow certified fire fighters who die while performing fire fighting duties for the public to become eligible for death benefits under this statute.

### **PURPOSE**

As proposed, C.S.S.B. 1107 outlines provisions regarding the provision of financial assistance to survivors of certain law enforcement officers, fire fighters, and others.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 615.003, Government Code, to provide that this chapter applies only to eligible survivors or the estates of certain individuals. Makes a nonsubstantive change.

SECTION 2. Amends Chapter 615B, Government Code, as follows:

SUBCHAPTER B. New heading: PAYMENTS TO ELIGIBLE SURVIVORS OR ESTATES

SECTION 3. Amends Section 615.021, Government Code, to provide that an individual employed by the state or a political or legal subdivision who is subject to certification by the Texas Commission on Fire Protection (commission) or whose principal duties are aircraft crash and rescue fire fighting is considered to have died in the course of performing the individual's duty in the individual's position as described by Section 615.003 as a result of exposure to risk that is inherent in the duty or to which the general public is not customarily exposed if the individual dies while actually performing an activity that the individual was certified to perform by the commission, without regard to whether the individual was actually performing the activity during the individual's compensable hours at work. Makes a conforming change.

SECTION 4. Amends Chapter 615B, Government Code, by adding Section 615.026, as follows:

Sec. 615.026. PAYMENT TO ESTATE. Sets forth instances in which the state is required to pay \$50,000 to the estate of an individual listed under Section 615.003.

SECTION 5. Amends Section 615.044(a), Government Code, to provide that a person whose claim for payment to a sibling or to an estate is denied may appeal the denial to a district court in the county of residence of the sibling, to a district court in the county in which the decedent resided at the time of death, if the claim is for payment to an estate, or to a district court in Travis County.

SECTION 6. Emergency clause.  
Effective date: upon passage.

**SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 615.003, Government Code, to add text regarding the applicability of the Chapter 615, Government Code.

SECTION 2.

Amends Chapter 615B, Government Code, to change the heading.

SECTION 3.

Amends Section 615.021, Government Code, regarding the death of an individual employed by the state or a political or legal subdivision who is subject to certification by the Texas Commission on Fire Protection.

SECTION 4.

Amends Section 615.026, Government Code, regarding payment to an estate.

SECTION 5.

Amends Section 615.044(a), Government Code, regarding a person whose claim for payment to an estate is denied.

SECTION 6.

Redesignates proposed SECTION 3 as SECTION 6, containing the emergency clause and effective date.