

By: Allen

H.B. No. 959

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the benefits provided to the survivors of certain
3 public employees killed in the line of duty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 615.021, Government Code, is amended by
6 amending Subsections (a) and (c) and adding Subsections (d) and (e)
7 to read as follows:

8 (a) A survivor of an individual listed under Section 615.003
9 is eligible for the payment of assistance under this chapter if:

10 (1) the listed individual died as a result of a
11 personal injury sustained in the line of duty [~~in the course of the~~
12 ~~individual's duty performed~~] in the individual's position as
13 described by Section 615.003 [~~as a result of exposure to a risk:~~

14 [~~(A) that is inherent in the duty, or~~

15 [~~(B) to which the general public is not~~
16 ~~customarily exposed~~]; and

17 (2) the survivor is:

18 (A) the surviving spouse of the listed
19 individual;

20 (B) a surviving child of the listed individual,
21 if there is no surviving spouse; or

22 (C) a surviving parent of the listed individual,
23 if there is no surviving spouse or child.

24 (c) An individual employed by the state or a political or

1 legal subdivision who is subject to certification by the Texas
2 Commission on Fire Protection or whose principal duties are
3 aircraft crash and rescue fire fighting is considered to have died
4 as a result of a personal injury sustained in the line of [~~in the~~
5 ~~course of performing the individual's~~] duty in the individual's
6 position as described by Section 615.003 [~~as a result of exposure to~~
7 ~~a risk that is inherent in the duty or to which the general public is~~
8 ~~not customarily exposed~~] if the individual died while actually
9 performing an activity that the individual was certified to perform
10 by the Texas Commission on Fire Protection, without regard to
11 whether the individual was actually performing the activity during
12 the individual's compensable hours at work.

13 (d) In a determination of whether the survivor of an
14 individual listed under Section 615.003 is eligible for the payment
15 of assistance under this chapter, any reasonable doubt arising from
16 the circumstances of the individual's death shall be resolved in
17 favor of the payment of assistance to the survivor.

18 (e) In this section:

19 (1) "Personal injury" means a traumatic injury
20 resulting from an external force or a disease caused by or resulting
21 from a traumatic injury from an external force.

22 (2) "Line of duty" means an action an individual
23 listed under Section 615.003 is required or authorized by rule,
24 condition of employment, or law to perform. The term includes an
25 action by the individual at a social, ceremonial, athletic, or
26 other function to which the individual is assigned by the
27 individual's employer.

1 SECTION 2. Section 615.072, Government Code, is amended to
2 read as follows:

3 Sec. 615.072. ELIGIBLE SURVIVORS. (a) A survivor of an
4 individual listed under Section 615.071 is eligible for the health
5 insurance benefits provided under this subchapter if:

6 (1) the listed individual died as a result of a
7 personal injury sustained in the line of duty [~~in the course of the~~
8 ~~individual's duty performed~~] in the individual's position as
9 described by Section 615.071 [~~as a result of exposure to a risk:~~

10 [~~(A) that is inherent in the duty; or~~

11 [~~(B) to which the general public is not~~
12 ~~customarily exposed~~]; and

13 (2) the survivor is:

14 (A) the surviving spouse of the listed
15 individual; or

16 (B) a dependent of the listed individual.

17 (b) In a determination of whether the survivor of an
18 individual listed under Section 615.071 is eligible for the payment
19 of assistance under this subchapter, any reasonable doubt arising
20 from the circumstances of the individual's death shall be resolved
21 in favor of the payment of assistance to the survivor.

22 (c) In this section:

23 (1) "Personal injury" means a traumatic injury
24 resulting from an external force or a disease caused by or resulting
25 from a traumatic injury from an external force.

26 (2) "Line of duty" means an action an individual
27 listed under Section 615.071 is required or authorized by rule,

1 condition of employment, or law to perform. The term includes an
2 action by the individual at a social, ceremonial, athletic, or
3 other function to which the individual is assigned by the
4 individual's employer.

5 SECTION 3. Section 615.105(b), Government Code, is amended
6 to read as follows:

7 (b) On the death of an individual listed in Subsection (a),
8 regardless of whether the individual died as a result of a personal
9 injury sustained in the line [~~in the course~~] of duty as a peace
10 officer, the individual's next of kin may receive on request a state
11 flag from the Commission on Law Enforcement Officer Standards and
12 Education.

13 SECTION 4. Section 615.121, Government Code, is amended by
14 adding Subsection (f) to read as follows:

15 (f) In this section, "line of duty" has the meaning assigned
16 by Section 615.021.

17 SECTION 5. Section 811.001, Government Code, is amended by
18 amending Subdivision (12) and adding Subdivision (12-a) to read as
19 follows:

20 (12) "Occupational [~~death or~~] disability" means
21 [~~death or~~] disability from an injury or disease that directly
22 results from a specific act or occurrence determinable by a
23 definite time and place, and directly results from a risk or a
24 hazard peculiar to and inherent in a duty that arises from and in
25 the course of state employment.

26 (12-a) "Occupational death" means death from a
27 traumatic injury resulting from an external force or a disease

1 caused by or resulting from a traumatic injury from an external
2 force that directly results from any action a person is required or
3 authorized by rule, condition of employment, or law to perform. The
4 term includes an action performed by the person at a social,
5 ceremonial, athletic, or other function to which the person is
6 assigned by the person's employer.

7 SECTION 6. The changes in law made by this Act to Sections
8 615.021, 615.072, 615.105, 615.121, and 811.001, Government Code,
9 relating to the death of certain public servants apply only in
10 relation to a death that occurs on or after the effective date of
11 this Act. Matters regarding eligibility, payment, and benefits
12 under Sections 615.021, 615.072, 615.105, 615.121, and 811.001,
13 Government Code, in relation to a death that occurs before the
14 effective date of this Act are governed by the law in effect when
15 the death occurs, and the former law is continued in effect for that
16 purpose.

17 SECTION 7. This Act takes effect September 1, 2003.