

1-1 By: Jackson S.B. No. 2040  
1-2 (In the Senate - Filed April 27, 2007; April 27, 2007, read  
1-3 first time and referred to Committee on State Affairs; May 3, 2007,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 9, Nays 0; May 3, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2040 By: Jackson

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to coverage for bariatric surgical procedures for certain  
1-10 state employees.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle B, Title 6, Government Code, is amended  
1-13 by adding Chapter 672 to read as follows:

1-14 CHAPTER 672. BARIATRIC SURGERY BENEFITS FOR STATE EMPLOYEES

1-15 Sec. 672.001. DEFINITION. In this chapter, "state agency"  
1-16 means a department, institution, commission, or other agency of the  
1-17 state.

1-18 Sec. 672.002. PROVISION OF BENEFIT. (a) In this section,  
1-19 "service" means personal service to the state creditable in  
1-20 accordance with rules adopted by the board of trustees of the  
1-21 Employees Retirement System of Texas.

1-22 (b) Except as provided by Subsection (c), a state agency may  
1-23 use available public funds to provide to an employee of the state  
1-24 agency with at least five years of service coverage for the expenses  
1-25 of bariatric surgical procedures.

1-26 (c) Coverage may not be provided to an employee under this  
1-27 section to the extent that coverage is available to the employee  
1-28 under Chapter 1551, Insurance Code.

1-29 SECTION 2. (a) An interim committee is created to study  
1-30 the cost that the state would be expected to incur and the benefits  
1-31 the state would be expected to realize by providing coverage for  
1-32 bariatric surgical procedures for state employees. The committee  
1-33 shall also study the short-term and long-term risks and benefits to  
1-34 overweight or obese individuals of weight loss accomplished through  
1-35 bariatric surgical procedures or other methods, in terms of the  
1-36 individuals' health, well-being, and productivity. The committee's  
1-37 study must include, to the extent feasible, a study of the costs  
1-38 incurred and benefits realized by any agency or political  
1-39 subdivision of the state that has provided benefits for bariatric  
1-40 surgical procedures to the employees of the agency or political  
1-41 subdivision and the outcomes realized by those employees. An  
1-42 agency or political subdivision that provides a benefit described  
1-43 by this subsection shall provide the committee with any information  
1-44 related to the provision of those benefits, other than information  
1-45 that would identify the recipient of the benefit.

1-46 (b) The committee consists of the following five members:

1-47 (1) two senators appointed by the lieutenant governor;  
1-48 (2) two representatives appointed by the speaker of  
1-49 the house of representatives; and

1-50 (3) one member appointed by the governor, who shall  
1-51 serve as the committee's presiding officer.

1-52 (c) The committee shall convene at the call of the presiding  
1-53 officer.

1-54 (d) The committee has all other powers and duties provided  
1-55 to a special or select committee by the rules of the senate and  
1-56 house of representatives, by Subchapter B, Chapter 301, Government  
1-57 Code, and by policies of the senate and house committees on  
1-58 administration.

1-59 (e) From the contingent expense fund of the senate and the  
1-60 contingent expense fund of the house of representatives equally,  
1-61 the members of the committee are entitled to reimbursement for  
1-62 expenses incurred in carrying out the provisions of this section in  
1-63 accordance with the rules of the senate and house of

2-1 representatives and the policies of the senate and house committees  
2-2 on administration.

2-3 (f) Not later than January 15, 2009, the committee shall  
2-4 report the committee's findings and recommendations to the  
2-5 lieutenant governor, the speaker of the house of representatives,  
2-6 and the governor. The committee shall include in its  
2-7 recommendations specific statutory changes that appear necessary  
2-8 or advisable from the results of the committee's study under  
2-9 Subsection (a) of this section, including changes to Chapter 1551,  
2-10 Insurance Code.

2-11 (g) Not later than the 60th day after the effective date of  
2-12 this Act, the lieutenant governor, the speaker of the house of  
2-13 representatives, and the governor shall appoint the members of the  
2-14 interim committee created under this section.

2-15 (h) This section expires September 1, 2009.

2-16 SECTION 3. This Act takes effect September 1, 2007.

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