

AN ACT

relating to continued health insurance coverage and financial assistance for eligible survivors of certain public servants killed in the line of duty.

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

SECTION 1. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the pardons and paroles division of the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

(5) a member of an organized police reserve or auxiliary unit who regularly assists peace officers in enforcing criminal laws;

1           (6) a member of the class of employees of the  
2 institutional division or the state jail division of the Texas  
3 Department of Criminal Justice formally designated as custodial  
4 personnel under Section 615.006 by the Texas Board of Criminal  
5 Justice or its predecessor in function;

6           (7) a jailer or guard of a county jail who is appointed  
7 by the sheriff and who:

8                   (A) performs a security, custodial, or  
9 supervisory function over the admittance, confinement, or  
10 discharge of prisoners; and

11                   (B) is certified by the Commission on Law  
12 Enforcement Officer Standards and Education;

13           (8) a juvenile correctional employee of the Texas  
14 Youth Commission;

15           (9) an employee of the Texas Department of Mental  
16 Health and Mental Retardation who:

17                   (A) works at the department's maximum security  
18 unit; or

19                   (B) performs on-site services for the Texas  
20 Department of Criminal Justice;

21           (10) an individual who is employed by the state or a  
22 political or legal subdivision and is subject to certification by  
23 the Texas Commission on Fire Protection;

24           (11) an individual employed by the state or a  
25 political or legal subdivision whose principal duties are aircraft  
26 crash and rescue fire fighting;

27           (12) a member of an organized volunteer fire-fighting

1 unit that:

2 (A) renders fire-fighting services without  
3 remuneration; and

4 (B) conducts a minimum of two drills each month,  
5 each two hours long;

6 (13) an individual who:

7 (A) performs emergency medical services or  
8 operates an ambulance;

9 (B) is employed by a political subdivision of the  
10 state or is an emergency medical services volunteer as defined by  
11 Section 773.003, Health and Safety Code; and

12 (C) is qualified as an emergency care attendant  
13 or at a higher level of training under Section 773.046, 773.047,  
14 773.048, 773.049, or 773.0495, Health and Safety Code; ~~or~~

15 (14) an individual who is employed or formally  
16 designated as a chaplain for:

17 (A) an organized volunteer fire-fighting unit or  
18 other fire department of this state or of a political subdivision of  
19 this state;

20 (B) a law enforcement agency of this state or of a  
21 political subdivision of this state; or

22 (C) the Texas Department of Criminal Justice; or

23 (15) an individual who is employed by the state or a  
24 political subdivision of the state and who is considered by the  
25 governmental employer to be a trainee for a position otherwise  
26 described by this section.

27 SECTION 2. Subsection (e), Section 615.021, Government

1 Code, is amended to read as follows:

2 (e) In this section:

3 (1) "Personal injury" means an injury resulting from  
4 an external force, an activity, or a disease caused by or resulting  
5 from:

6 (A) a line-of-duty accident; or

7 (B) an illness caused by line-of-duty work under  
8 hazardous conditions.

9 (2) "Line of duty" means an action an individual  
10 listed under Section 615.003 is required or authorized by rule,  
11 condition of employment, or law to perform. The term includes:

12 (A) an action by the individual at a social,  
13 ceremonial, athletic, or other function to which the individual is  
14 assigned by the individual's employer; and

15 (B) an action performed as part of a training  
16 program the individual is required or authorized by rule, condition  
17 of employment, or law to undertake.

18 SECTION 3. Subsection (c), Section 615.073, Government  
19 Code, is amended to read as follows:

20 (c) The surviving spouse is entitled to continue to purchase  
21 health insurance coverage until ~~[the earlier of:~~

22 ~~[(1) the date the surviving spouse remarries,~~

23 ~~[(2) the date the surviving spouse becomes eligible~~  
24 ~~for group health insurance through another employer; or~~

25 ~~[(3)]~~ the date the surviving spouse becomes eligible  
26 for federal Medicare benefits.

27 SECTION 4. Section 615.074, Government Code, is amended to

1 read as follows:

2           Sec. 615.074. BENEFIT TO DEPENDENT. (a) An eligible  
3 surviving dependent who is a minor child is entitled to continue  
4 health insurance coverage until ~~[the earlier of,~~

5                   ~~[(1)]~~ the date the dependent reaches the age of 18  
6 ~~[years, or~~

7                   ~~[(2)] the date the dependent becomes eligible for group~~  
8 ~~health insurance through another employer].~~

9           (b) An eligible surviving dependent who is not a minor child  
10 is entitled to continue health insurance coverage until the earlier  
11 of:

12                   (1) ~~[the date the dependent marries,~~

13                   ~~[(2)]~~ the date the dependent becomes eligible for  
14 group health insurance through another employer; or

15                   (2) [(3)] the date the dependent becomes eligible for  
16 federal Medicare benefits.

17           SECTION 5. Subsections (a) and (c), Section 615.075,  
18 Government Code, are amended to read as follows:

19           (a) An employing entity shall provide written notice to an  
20 eligible survivor to whom this subchapter may apply of the  
21 survivor's rights under this subchapter not later than the 10th day  
22 after the date of the decedent's death. Not later than the 150th  
23 day after the date of the decedent's death, the employing entity  
24 shall send a subsequent written notice under this subsection by  
25 certified mail to any eligible survivor who has not already elected  
26 to continue coverage on or before that date.

27           (c) To receive continued coverage under this subchapter,

1 the employing entity must be informed not later than the 180th  
2 [~~90th~~] day after the date the decedent died that the eligible  
3 survivor elects to continue coverage.

4 SECTION 6. Section 615.077, Government Code, is amended to  
5 read as follows:

6 Sec. 615.077. PAYMENTS; RATE. An eligible survivor who is  
7 entitled to continued coverage under this subchapter [~~is entitled~~  
8 ~~to~~]:

9 (1) is entitled to:

10 (A) make payments for the coverage or have  
11 payments made on the survivor's behalf at the same time and to the  
12 same entity that payments for coverage are made by current  
13 employees of the employing entity; and

14 (B) obtain [~~(2) purchase~~] the coverage at the  
15 [~~group~~] rate paid by current employees of the employing entity for  
16 that coverage; and

17 (2) may not be required to pay a premium amount for the  
18 coverage that is greater than the premium amount that a current  
19 employee of the employing entity without a spouse is required to pay  
20 to cover the employee alone or to cover the employee and the  
21 employee's dependent children, as applicable to the eligible  
22 survivor [~~that exists at the time of payment~~].

23 SECTION 7. Subchapter D, Chapter 615, Government Code, is  
24 amended by adding Sections 615.080 and 615.081 to read as follows:

25 Sec. 615.080. GRACE PERIOD. Health insurance benefits  
26 coverage in force on the date of the decedent's death under which a  
27 deceased individual listed under Section 615.071 covered one or

1 more other persons may not lapse before the 181st day after the date  
2 of the decedent's death for failure to pay the premium.

3 Sec. 615.081. LIMITED OPPORTUNITY FOR CERTAIN ELIGIBLE  
4 SURVIVORS TO REAPPLY FOR COVERAGE. (a) This section applies only  
5 to an eligible survivor of a deceased individual listed under  
6 Section 615.071 who died on or after September 1, 1993.

7 (b) Notwithstanding any other provision of this subchapter  
8 or other law, an eligible survivor to whom this section applies who  
9 did not purchase continued health insurance benefits under this  
10 subchapter or under the law codified by this subchapter within the  
11 time allowed after the listed individual's death, or who  
12 discontinued coverage under this subchapter or under the law  
13 codified by this subchapter after the listed individual's death,  
14 may reapply for coverage under the employing entity's health  
15 insurance benefits plan not later than March 1, 2010.

16 (c) An eligible survivor who reapplies for coverage under  
17 Subsection (b) is entitled to purchase the coverage according to  
18 the same rate schedule and coverage options as would apply had the  
19 eligible survivor continued coverage under this subchapter after  
20 the listed individual's death.

21 (d) This section expires September 1, 2010.

22 SECTION 8. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2009.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 872 passed the Senate on April 7, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 8, 2009, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 872 passed the House, with amendment, on May 5, 2009, by the following vote: Yeas 145, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor