

## **BILL ANALYSIS**

S.B. 423  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

When the Texas Legislature enacted legislation providing for health insurance coverage for surviving family members of a law enforcement officer or fire fighter killed in the line of duty, it was the legislature's intent to allow the eligible survivors to continue purchasing health insurance from the governmental entity that employed the deceased officer or fire fighter and to do so at the same rate that the employee was paying for the insurance. Since passage of that legislation, many governmental entities have complied with the statute's legislative intent but some have not.

More recently, the legislature enacted legislation to clarify that intent and to ensure that the surviving families of public servants killed in the line of duty were covered. One provision in that recent legislation removed the requirement that a survivor forfeit the survivor's insurance coverage if the survivor was eligible for insurance through another employer. The intent of that measure was to allow the spouse to maintain coverage for the surviving spouse and children through the public servant's plan, regardless of the spouse's employment status. Several surviving spouses applied for coverage under that more recent provision but were denied because they were not enrolled in the public servant's insurance plan at the time of the public servant's death. An attorney general opinion was sought but the issue was not resolved.

S.B. 423 clarifies that a surviving family member of a public servant killed in the line of duty who was eligible but not enrolled at the time of death is eligible for coverage. The bill provides a window of opportunity for the survivors to reapply for coverage until September 2012, when certain provisions of the bill expire.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 423 amends the Government Code to extend the entitlement of eligible survivors of certain law enforcement officers, fire fighters, and other public officers and employees to purchase or continue purchasing health insurance coverage to eligible survivors of an individual who is employed by the state or a political subdivision of the state and who is considered by that employer to be a trainee for a position otherwise described in the listing, by position, of public officers and employees whose survivors are eligible for various forms of financial assistance.

S.B. 423 prohibits the denial of health insurance benefits to a survivor of a law enforcement officer, fire fighter, or other public officer or employee who would have been eligible for health insurance benefits during the life of the officer or employee on the ground that the survivor was enrolled in group health insurance with another employer as of the date of the death of the officer or employee.

S.B. 423 extends the entitlement of an eligible surviving dependent who is a minor child to

entitle the dependent to purchase or continue to purchase health insurance coverage under the bill's provisions after the dependent reaches the age of 18 to the extent required by state or federal law.

S.B. 423 adds a temporary provision, set to expire September 2, 2012, to authorize an eligible survivor who did not purchase or receive health insurance coverage or benefits under the general provisions governing financial assistance to survivors of certain law enforcement officers, fire fighters, and other public officers and employees on or before the date of such an individual's death, or who did not notify the individual's employing entity of the survivor's election to purchase or continue to purchase coverage within the time allowed by law after the individual's death, to apply for health insurance benefits or coverage not later than September 1, 2012. The bill authorizes an eligible survivor who applies for coverage under this provision to purchase coverage according to the same rate schedule and coverage options that would apply if the eligible survivor had continued to purchase coverage after the individual's death. The bill makes this provision applicable only to the eligible survivor of an individual in a listed position who died on or after September 1, 1993.

S.B. 423 clarifies that an eligible survivor's entitlement entitles the survivor either to purchase or to continue purchasing health insurance benefits and coverage.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.