

**House Bill 90**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. This Act may be cited as the Bishop Evans Act.

No equivalent provision.

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Subchapter C, Chapter 56B, Code of Criminal Procedure, is amended by adding Section 56B.109 to read as follows:

Sec. 56B.109. COMPENSATION FOR CERTAIN SURVIVORS OF MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "state active duty," "Texas military forces," and "Texas National Guard" have the meanings assigned by Section 437.001, Government Code.

(b) The attorney general shall award a lump sum payment in accordance with Subsection (c) to a claimant on behalf of an individual who is a victim of border crime and a member of the Texas military forces if:

(1) the individual died on or after March 6, 2021, but before September 1, 2023, while on state active duty;

(2) the individual's death was in connection with operations initiated to address criminal activity in the border region; and

(3) the claimant is:

(A) if the individual is a member of the Texas National Guard, a beneficiary designated by the individual on the individual's United States Department of Defense Form DD-93; or

(B) if the individual is not a member of the Texas National Guard or there is no beneficiary described by Paragraph (A):

(i) the surviving spouse of the individual;

(ii) a surviving child of the individual, if there is no surviving spouse; or

(iii) the surviving parent of the individual, if there is no surviving spouse or child.

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(c) For purposes of Subsection (b), the lump sum payment amount payable to an eligible claimant is:  
(1) if there is a claimant described by Subsection (b)(3)(A) or (B)(i), \$500,000 paid to the claimant; or  
(2) if there is no claimant described by Subsection (b)(3)(A) or (B)(i), \$500,000, in equal shares:  
(A) paid to each claimant described by Subsection (b)(3)(B)(ii); or  
(B) paid to each claimant described by Subsection (b)(3)(B)(iii) if there is no claimant described by Subsection (b)(3)(B)(ii).  
(d) This section may not be construed to limit the assistance or compensation a claimant may otherwise receive under this chapter.  
(e) For purposes of this section, a beneficiary designated by an individual on the individual's United States Department of Defense Form DD-93 is a "claimant."

SECTION 2. Section 615.004(a), Government Code, is amended to read as follows:

(a) A finding that assistance is payable to an eligible survivor of an individual listed under Section 615.003 or 615.024 is not a declaration of the cause, nature, or effect of a death for any other purpose.

SECTION 3. Section 615.021(b), Government Code, is amended to read as follows:

(b) Payment of assistance may not occur under this subchapter unless an individual is eligible under Subsection (a) or Section 615.024.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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SECTION 4. Subchapter B, Chapter 615, Government Code, is amended by adding Section 615.024 to read as follows:

Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "state active duty," "Texas military forces," and "Texas National Guard" have the meanings assigned by Section 437.001.

(b) Notwithstanding Section 615.003 or 615.021, a survivor of an individual who is a member of the Texas military forces is eligible to receive a lump sum payment described by Section 615.022 and monthly assistance described by Section 615.023, as applicable, which are the exclusive benefits available under this chapter, if:

(1) the individual died on or after March 6, 2021, while on state active duty;

(2) the Texas Military Department certifies to the Employees Retirement System of Texas that the circumstances of the individual's death entitle an eligible survivor to the payment of assistance under this chapter; and

(3) the survivor is:

(A) if the individual is a member of the Texas National Guard, a beneficiary designated by the individual on the individual's United States Department of Defense Form DD-93; or

(B) if the individual is not a member of the Texas National Guard or there is no beneficiary described by Paragraph (A):

(i) the surviving spouse of the individual;

(ii) a surviving child of the individual, if there is no surviving spouse; or

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SECTION 5. Subchapter B, Chapter 615, Government Code, is amended by adding Section 615.024 to read as follows:

Sec. 615.024. PAYMENT TO SURVIVORS OF MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "state active duty," "Texas military forces," and "Texas National Guard" have the meanings assigned by Section 437.001.

(b) Notwithstanding Section 615.003 or 615.021, a survivor of an individual who is a member of the Texas military forces is eligible to receive a lump sum payment described by Section 615.022 and monthly assistance described by Section 615.023, as applicable, which are the exclusive benefits available under this chapter, if:

(1) the individual died while on state active duty;

(2) the Texas Military Department certifies to the Employees Retirement System of Texas that the circumstances of the individual's death entitle an eligible survivor to the payment of assistance under this chapter; and

(3) the survivor is:

(A) if the individual is a member of the Texas National Guard, a beneficiary designated by the individual on the individual's United States Department of Defense Form DD-93; or

(B) if the individual is not a member of the Texas National Guard or there is no beneficiary described by Paragraph (A):

(i) the surviving spouse of the individual;

(ii) a surviving child of the individual, if there is no surviving spouse; or

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(iii) the surviving parent of the individual, if there is no surviving spouse or child.

(c) The Texas Military Department shall adopt rules providing the circumstances under which the death of an individual described by Subsection (b) entitles an eligible survivor to the payment of assistance under this chapter.

SECTION 5. Sections 615.045(a), (c), and (d), Government Code, are amended to read as follows:

(a) Records of individuals listed by Section 615.003 or described by Section 615.024 and of survivors eligible for benefits under this chapter that are in the custody of the Employees Retirement System of Texas, an administering firm as defined by Section 1551.003, Insurance Code, a carrier as defined by Section 1551.007, Insurance Code, or another governmental agency acting with or on behalf of the retirement system are confidential and not subject to public disclosure, and the retirement system, administering firm, carrier, or governmental agency is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general, because the records are exempt from the provisions of Chapter 552, except as otherwise provided by this section.

(c) The records of individuals listed by Section 615.003 or described by Section 615.024 and of eligible survivors remain confidential after release to a person as authorized by this section. The records of individuals listed by Section 615.003 or described by Section 615.024 and of eligible survivors may become part of the public record of an administrative or judicial proceeding related to an appeal filed under this chapter, unless the records are closed to

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(iii) the surviving parent of the individual, if there is no surviving spouse or child.

(c) The Texas Military Department shall adopt rules providing the circumstances under which the death of an individual described by Subsection (b) entitles an eligible survivor to the payment of assistance under this chapter.

SECTION 6. Same as House version.

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public access by a protective order issued under applicable law.

(d) The retirement system has sole discretion in determining whether a record is subject to this section. For purposes of this section, a record includes any identifying information about any person, living or deceased, who is or was:

(1) an individual listed in Section 615.003 or described by Section 615.024; or

(2) a survivor, heir, or beneficiary of an individual listed in Section 615.003 or described by Section 615.024.

SECTION 6. Subchapter C, Chapter 401, Labor Code, is amended by adding Section 401.027 to read as follows:

Sec. 401.027. APPLICABILITY TO CERTAIN MEMBERS OF TEXAS MILITARY FORCES. (a) In this section, "state active duty," "state training and other duty," and "Texas military forces" have the meanings assigned by Section 437.001, Government Code.

(b) For purposes of this subtitle, the travel of a member of the Texas military forces to or from the member's duty location while serving on state active duty and engaged in authorized duty under written orders or while on state training and other duty is considered to be in the course and scope of the member's employment.

SECTION 7. Section 501.001, Labor Code, is amended by adding Subdivisions (5-a) and (6-a) to read as follows:

(5-a) "Post-traumatic stress disorder" has the meaning assigned by Section 504.019.

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SECTION 7. Same as House version.

SECTION 8. Same as House version.

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(6-a) "State active duty" and "Texas military forces" have the meanings assigned by Section 437.001, Government Code.

SECTION 8. Subchapter B, Chapter 501, Labor Code, is amended by adding Sections 501.027, 501.028, and 501.029 to read as follows:

Sec. 501.027. COVERAGE FOR POST-TRAUMATIC STRESS DISORDER FOR MEMBERS OF TEXAS MILITARY FORCES. (a) Post-traumatic stress disorder suffered by a member of the Texas military forces on state active duty is a compensable injury under this subtitle only if it is based on a diagnosis that:

(1) the disorder is caused by one or more events occurring in the course and scope of the member's state active duty; and

(2) the preponderance of evidence indicates that the event or events were a producing cause of the disorder.

(b) For purposes of this subtitle, the date of injury for post-traumatic stress disorder suffered by a member of the Texas military forces is the date on which the member knew or should have known that the disorder may be related to the member's state active duty.

Sec. 501.028. EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY FORCES ON STATE ACTIVE DUTY. (a) This section applies only to a member of the Texas military forces who sustains a serious bodily injury, as defined by Section 1.07, Penal Code, on state active duty.

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(b) An insurance carrier shall accelerate and give priority to a claim for medical benefits by a member of the Texas military forces to which this section applies, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (a).

(c) The division shall accelerate, under rules adopted by the commissioner of workers' compensation, a contested case hearing requested by or an appeal submitted by a member of the Texas military forces to which this section applies regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury described by Subsection (a). The member shall provide notice to the division and independent review organization that the contested case or appeal involves a member of the Texas military forces.

Sec. 501.029. INTENT OF EXPEDITED PROVISION OF MEDICAL BENEFITS FOR CERTAIN INJURIES SUSTAINED BY CERTAIN MEMBERS OF TEXAS MILITARY FORCES. The purpose of Section 501.028 is to ensure that a claim for medical benefits by an injured member of the Texas military forces to which this section applies is accelerated by an insurance carrier to the full extent authorized by current law.

SECTION 9.

(a) In this section, "state active duty" and "Texas military forces" have the meanings assigned by Section 437.001, Government Code.

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SECTION 10.

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(b) Notwithstanding any other law, a survivor of an individual who was a member of the Texas military forces and who, on or after the date the governor directed the Department of Public Safety to initiate Operation Lone Star under Chapter 437, Government Code, but before the effective date of this Act, died while on state active duty is, subject to the requirements of Section 615.024, Government Code, as added by this Act, eligible for the benefits described by that section.

(c) The changes in law made by this Act relating to a claim for workers' compensation benefits by a member of the Texas military forces apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 2023.

SENATE VERSION (CS)

(a) The changes in law made by this Act to Chapter 615, Government Code, relating to the death of a member of the Texas military forces applies only to a death that occurs on or after the effective date of this Act. For purposes of that chapter, the death of a member of the Texas military forces that occurs before the effective date of this Act is governed by the law in effect on the date the death occurred, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act relating to a claim for workers' compensation benefits by a member of the Texas military forces apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 11. Same as House version.

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