

S.B. No. 872

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

11/20

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,

S.B. No. 872

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.

David Dewhurst
President of the Senate

John Strawn
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.

Letsy Spaw
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.

Robert Haney
Chief Clerk of the House

Approved:

19 MAY '09
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

MAY 19 2009
[Signature]
Secretary of State