

## **BILL ANALYSIS**

C.S.H.B. 2123  
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Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that Texas' current military mission at the Texas-Mexico border has precipitated the need for health care coverage for certain members of the Texas military forces. These parties assert that state law and practices related to the provision of such coverage to those service members do not meet federal standards implemented by the Patient Protection and Affordable Care Act. This has raised concerns about state liability and penalizations for violations of the act. C.S.H.B. 2123 seeks to provide these certain service members with the health care coverage they need and bring state practices in line with federal requirements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 2123 amends the Government Code to extend the eligibility to participate in the state group benefits program under the Texas Employees Group Benefits Act of a volunteer in the Texas State Guard who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for a certain period to any member of the state military forces who meets that criteria and to decrease from more than 90 days to more than 60 days the period on state active duty or state training or other duty required for such eligibility to participate in the program. The bill removes the specification that such eligibility applies to the purchase of health and dental insurance coverage, removes the requirement that the participant pay the full cost of such coverage under the group benefits program, and removes the prohibition against the participant receiving a state contribution for premiums. The bill instead establishes that such a member of the state military forces is considered to be a full-time state employee for purposes of the act, including the receipt of a full state contribution for insurance coverage.

C.S.H.B. 2123 authorizes the Texas Military Department to require payment of the cost associated with paying the state contribution of a service member who elects to participate in the state group benefits program by the person responsible for paying for the mission for which the service member is on state active duty or state training and other duty. The bill requires the department to reimburse the board of trustees of the Employees Retirement System of Texas (ERS) for that cost. The bill includes an appropriate method of administering that reimbursement among the methods and procedures required to be established through the adoption of a memorandum of understanding between the adjutant general and ERS.

## EFFECTIVE DATE

January 1, 2016.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2123 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 437.212, Government Code, is amended by amending Subsections (f) and (g) and adding Subsection (f-1) to read as follows:

(f) A member of the state military forces ~~[volunteer in the Texas State Guard]~~ who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for more than 60 ~~[90]~~ days is, notwithstanding Section 1551.1055, Insurance Code, eligible to participate in the state group benefits program under Chapter 1551, Insurance Code, and is considered to be a full-time state employee for the purposes of that chapter, including the receipt of a full state contribution for ~~[to purchase health or dental]~~ insurance coverage, subject to Subsection (f-1) and the following requirements:

(1) the participant must be a member of the state military forces ~~[Texas State Guard]~~ at the time of enrollment in the group benefits program; and

(2) ~~[the participant must pay the full cost of health or dental insurance coverage under the group benefits program and may not receive a state contribution for premiums; and~~

~~[(3)]~~ an application under this subsection for ~~[group benefit health or dental]~~ insurance coverage must be submitted in accordance with procedures established by the Employees Retirement System of Texas.

(f-1) The division of the state military forces that calls a member of the state military forces to state active duty or state training and other duty is responsible for the cost of the state contribution of that member if the member elects to participate in the state group benefits program under Subsection (f).

The division shall reimburse the board of

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 437.212, Government Code, is amended by amending Subsections (f) and (g) and adding Subsection (f-1) to read as follows:

(f) A member of the state military forces ~~[volunteer in the Texas State Guard]~~ who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for more than 60 ~~[90]~~ days is, notwithstanding Section 1551.1055, Insurance Code, eligible to participate in the state group benefits program under Chapter 1551, Insurance Code, and is considered to be a full-time state employee for the purposes of that chapter, including the receipt of a full state contribution for ~~[to purchase health or dental]~~ insurance coverage, subject to Subsection (f-1) and the following requirements:

(1) the participant must be a member of the state military forces ~~[Texas State Guard]~~ at the time of enrollment in the group benefits program; and

(2) ~~[the participant must pay the full cost of health or dental insurance coverage under the group benefits program and may not receive a state contribution for premiums; and~~

~~[(3)]~~ an application under this subsection for ~~[group benefit health or dental]~~ insurance coverage must be submitted in accordance with procedures established by the Employees Retirement System of Texas.

(f-1) The department may require payment of the cost associated with paying the state contribution of a service member who elects to participate in the state group benefits program under Subsection (f) by the person responsible for paying for the mission for which the service member is on state active duty or state training and other duty.

The department shall reimburse the board of

trustees of the Employees Retirement System of Texas for that cost.

(g) The adjutant general and the Employees Retirement System of Texas shall coordinate and consult to implement the benefits program provided by Subsection (f) and shall adopt a memorandum of understanding to establish:

(1) the procedures that a member of the state military forces [~~Texas State Guard~~] may use to elect to participate in the state group benefits program; ~~and~~

(2) an appropriate method to annually confirm continuing eligibility to participate in the group benefits program; and

(3) an appropriate method of administering the reimbursement of the state contribution as required by Subsection (f-1).

SECTION 2. This Act takes effect January 1, 2016.

trustees of the Employees Retirement System of Texas for that cost.

(g) The adjutant general and the Employees Retirement System of Texas shall coordinate and consult to implement the benefits program provided by Subsection (f) and shall adopt a memorandum of understanding to establish:

(1) the procedures that a member of the state military forces [~~Texas State Guard~~] may use to elect to participate in the state group benefits program; ~~and~~

(2) an appropriate method to annually confirm continuing eligibility to participate in the group benefits program; and

(3) an appropriate method of administering the reimbursement of the state contribution as required by Subsection (f-1).

SECTION 2. Same as introduced version.