

SUBJECT: Qualifying certain fire responders for state workers' compensation

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 6 ayes — Oliveira, Shine, Collier, Romero, Villalba, Workman

1 nay — Stickland

WITNESSES: For — (*Registered, but did not testify:* Frederick Frazier, Dallas Police Association; Casey Haney, State Firefighters' and Fire Marshalls' Association; Julie Acevedo, Texas Fire Chief's Association; Ed Small, Texas Forestry Association; Glenn Deshields, Texas State Association of Fire Fighters; Robert Abbott, Travis County ESD 6, Jacob Floresx; Brad McClellan; Thomas Parkinson; Danielle Story)

Against — None

On — Stephen Vollbrecht, State Office of Risk Management; Don Galloway, Texas A&M Forest Service; Amy Lee, Texas Department of Insurance, Division of Workers' Compensation; Nim Kidd, Texas Department of Public Safety, Texas Division of Emergency Management

BACKGROUND: Government Code, sec. 418.042 requires the Texas Division of Emergency Management to prepare and maintain a comprehensive state emergency management plan designed to provide emergency relief and mitigation efforts for disasters including fire emergencies. In developing this plan, the division must consult local government and volunteer organizations. Sec. 418.110 allows the division to develop a statewide mutual aid program for fire emergencies consistent with the state emergency management plan.

Education Code, sec. 88.122 authorizes the Texas A&M Forest Service to maintain incident management teams to respond to all-hazard events. The teams may consist of Texas A&M Forest Service employees and other state, local, and volunteer responders.

DIGEST: CSHB 919 would guarantee workers' compensation coverage equivalent to that of a state employee to non-government or local government members of fire response teams during any period in which they were trained or activated by the Texas Division of Emergency Management. Coverage would apply to members of a regional incident management team or intrastate fire mutual aid system team established under the state emergency management plan, as well as members of the statewide mutual aid program for fire emergencies. The bill would require the Texas A&M Forest Service to perform all duties of an employer for a member of one of these teams who was injured and received workers' compensation benefits.

For benefit calculation purposes, the bill would define the weekly wage of these fire response team members as the sum of the member's regular weekly wage at any employment they held, including self-employment, in addition to serving as a member of a fire response team. This amount could not exceed 100 percent of the state average weekly wage.

The bill would classify service with an intrastate fire mutual aid system team or regional incident management team to be within the course and scope of regular employment for employees of the state who were activated and for employees of the Texas A&M University System.

The bill would take effect September 1, 2017, and would apply only to a workers' compensation claim based on an injury that occurred on or after that date.

SUPPORTERS SAY: CSHB 919 would rightfully entitle the local government and non-government volunteer members of intrastate fire mutual aid system teams and regional incident management teams to the same workers' compensation benefits afforded to their state employee counterparts. The bill would enable fire response teams to effectively provide emergency safety measures by recruiting and retaining volunteer talent through the guarantee of workers' compensation coverage. Retaining volunteers is especially important to rural communities, which may not maintain salaried first responders.

Volunteer and local government team members are performing a dangerous public service act without compensation while their state employee counterparts are both paid and covered by workers' compensation. Extending equal coverage to these brave volunteers would be the right thing to do.

The bill would be a reasonable and limited expansion of workers' compensation. Responders would be eligible for state employee coverage only for injuries that occurred in the duration of their training and active deployment as a state fire responder. Additionally, the bill would create training cost savings by allowing the state to retain more volunteer responders.

**OPPONENTS
SAY:**

CSHB 919 would expand state employee workers' compensation beyond its intended purpose by applying it to non-government employees. This could increase costs to insurance carriers, which would be passed along to consumers in the form of higher premiums.