

BILL ANALYSIS

Senate Research Center

H.B. 919
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Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties assert that there is no mechanism for the state to provide workers' compensation insurance benefits for non-state-employee members of Incident Management Teams or Texas Intrastate Fire Mutual Aid System teams while on state-activated deployments or training. These parties contend that no state coverage exists for these personnel in the event participants are injured or killed during state-activated deployments and that the state could maximize the effectiveness of its emergency response if it appropriately covered these first responders.

H.B. 919 addresses this issue by providing appropriate coverage for non-state-employee task force members while deployed on state-authorized training activities.

H.B. 919 amends current law relating to workers' compensation insurance coverage for certain intrastate fire mutual aid system team members and regional incident management team members.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 88, Education Code, by adding Section 88.126, as follows:

Sec. 88.126. WORKERS' COMPENSATION INSURANCE COVERAGE: INTRASTATE FIRE MUTUAL AID SYSTEM AND REGIONAL INCIDENT MANAGEMENT TEAMS. (a) Defines "intrastate fire mutual aid system team," "local government employee member," "member," "nongovernment member," "regional incident management team," and "state employee member."

(b) Provides that, notwithstanding any other law and during any period in which an intrastate fire mutual aid system team (IFMAST) or a regional incident management team (RIMT) is activated by the Texas Division of Emergency Management (TDEM), or during any training session sponsored or sanctioned by TDEM for an IFMAST or an RIMT, a participating nongovernment member or local government employee member is included in the coverage provided under Chapter 501 (Workers' Compensation Insurance Coverage for State Employees, Including Employees Under the Direction or Control of the Board of Regents of Texas Tech University), Labor Code, in the same manner as an employee, as defined by Section 501.001 (Definitions), Labor Code.

(c) Provides that service with an IFMAST or an RIMT by a state employee member who is activated is considered to be in the course and scope of the employee's regular employment with the state.

(d) Provides that service with an IFMAST or an RIMT by an employee of The Texas A&M University System is considered to be in the course and scope of the employee's regular employment with The Texas A&M University System.

SECTION 2. Amends the heading to Section 408.0445, Labor Code, to read as follows:

Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF STATE MILITARY FORCES, TEXAS TASK FORCE 1, INTRASTATE FIRE MUTUAL AID SYSTEM TEAMS, AND REGIONAL INCIDENT MANAGEMENT TEAMS.

SECTION 3. Amends Section 408.0445, Labor Code, by adding Subsection (c), as follows:

(c) Provides that, for purposes of computing income benefits or death benefits under Section 88.126, Education Code, the average weekly wage of an IFMAST member or an RIMT member, as defined by Section 88.126, Education Code, who is engaged in authorized training or duty is a certain amount. Requires a member for whom an average weekly wage cannot be computed to be paid the minimum weekly benefit established by the division of workers' compensation within the Texas Department of Insurance.

SECTION 4. Amends Section 501.001(5), Labor Code, to redefine "employee" to include a person who is an IFMAST member or an RIMT member, as defined by Section 88.126, Education Code, who is activated by TDEM or is injured during training sponsored or sanctioned by TDEM on behalf of an IFMAST or an RIMT, as applicable.

SECTION 5. Amends Section 501.002, Labor Code, by adding Subsection (g), to require the Texas A&M Forest Service, for purposes of Chapter 501 and Section 88.126, Education Code, to perform all duties of an employer in relation to an IFMAST member or an RIMT member who is injured and receives benefits under this chapter.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.