

By: Van de Putte

S.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on certain employment or representation by members or employees of the Texas Workers' Compensation Commission and the State Office of Administrative Hearings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 402, Labor Code, is amended by adding Section 402.046 to read as follows:

Sec. 402.046. PROHIBITION ON CERTAIN EMPLOYMENT OR REPRESENTATION. (a) This section applies only to:

(1) a commissioner;

(2) a commission employee whose official responsibilities involve the determination of a workers' compensation claim or the adjudication under Chapter 410 of a dispute involving a workers' compensation claim or who is designated an ombudsman under Chapter 409; and

(3) an employee of the State Office of Administrative Hearings involved in hearing workers' compensation cases.

(b) A person subject to this section may not:

(1) be employed by an insurance company engaged in the business of writing workers' compensation insurance coverage in this state; or

(2) represent a person before the commission or State Office of Administrative Hearings or a court in a matter:

(A) in which the person was personally involved

1 while associated with the commission or State Office of
2 Administrative Hearings; or

3 (B) that was within the person's official
4 responsibility while the person was associated with the commission
5 or State Office of Administrative Hearings.

6 (c) The prohibition under Subsection (b)(1) applies until
7 the:

8 (1) second anniversary of the date a commissioner
9 ceases to serve as a commissioner; and

10 (2) first anniversary of the date an employee's
11 employment with the commission or State Office of Administrative
12 Hearings ceases.

13 (d) The prohibition under Subsection (b)(2) applies while a
14 person is associated with the commission or State Office of
15 Administrative Hearings and at any time after.

16 SECTION 2. This Act takes effect September 1, 2003.