

By: Ellis

S.B. No. 518

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility for and computation of workers'  
3 compensation benefits for certain members of the state military.

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

5 SECTION 1. Section 431.104, Government Code, is amended to  
6 read as follows:

7 Sec. 431.104. COMPENSATION FOR DEATH OR DISABILITY. [~~(a)~~] A  
8 member of the state military forces who is killed or disabled while  
9 engaged in authorized training or duty is entitled to receive  
10 compensation under Chapter 501, Labor Code, regardless of whether  
11 the member is a United States citizen.

12 SECTION 2. Section 408.0445(a), Labor Code, is amended to  
13 read as follows:

14 (a) For purposes of computing income benefits or death  
15 benefits under Section 431.104, Government Code, the average weekly  
16 wage of a member of the state military forces as defined by Section  
17 431.001, Government Code, who is engaged in authorized training or  
18 duty is an amount equal to the sum of the member's regular weekly  
19 wage at any employment the member holds in addition to serving as a  
20 member of the state military forces, disregarding any period during  
21 which the member is not fully compensated for that employment  
22 because the member is engaged in authorized military training or  
23 duty, and the member's regular weekly wage as a member of the state  
24 military forces, except that the amount may not exceed:

1           (1) for income benefits, 100 percent of the state  
2 average weekly wage as determined under Section 408.047; or

3           (2) for death benefits, 400 percent of the state  
4 average weekly wage as determined under Section 408.047.

5           SECTION 3. The change in law made by this Act to Section  
6 408.0445(a), Labor Code, applies only to a claim for workers'  
7 compensation benefits based on a compensable injury that occurs on  
8 or after the effective date of this Act. A claim based on a  
9 compensable injury that occurs before that date is governed by the  
10 law in effect on the date the compensable injury occurred, and the  
11 former law is continued in effect for that purpose.

12           SECTION 4. This Act takes effect September 1, 2007.