

Suspending limitations on conference committee  
jurisdiction, H.B. No. 2605

By: Huffman

S.R. No. 1248

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 82nd Legislature, Regular Session, 2011, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2605 (the continuation and functions of the division of workers' compensation of the Texas Department of Insurance) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text not included in either the house or senate version of the bill to proposed Section 504.055, Labor Code, as added by Senate Floor Amendment No. 4 by Lucio, by adding Subsection (e) to read as follows:

(e) Except as otherwise provided by this section, a first responder is entitled to review of a medical dispute in the manner provided by Section 504.054.

Explanation: This addition is a cross-reference made necessary by the addition of proposed Section 504.054, Labor Code, as added by the senate committee substitute.

(2) Senate Rule 12.03(2) is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 504.055, Labor Code, that reads as follows:

Sec. 504.055. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first responder" has the meaning assigned by Section

504.054.

(b) A first responder whose medical dispute remains unresolved after a review by an independent review organization is entitled to a contested case hearing. The independent review organization's decision is binding during the pendency of a dispute. A hearing under this subsection shall be conducted by the division in the same manner as a hearing conducted under Section 413.0311.

(c) A first responder who has exhausted all administrative remedies under Subsection (b) and is aggrieved by a final decision of the division may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided by Section 413.0311(d).

Explanation: The omission is necessary to prevent an inconsistency with proposed Section 504.054, Labor Code, as added by the senate committee substitute.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change text not in disagreement in the proposed section containing the transition language added by Senate Floor Amendment No. 4 by Lucio to read as follows:

Section 504.055, Labor Code, as added by this Act, applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the effective date of this Act. A claim based on a compensable injury that occurs before that date is governed by the law in effect on the date the compensable injury occurred, and the former law is continued in effect for that purpose.

S.R. No. 1248

Explanation: This change is necessary to correct a cross-reference.

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 29, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate