

By: Collier

H.B. No. 2466

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a safety reimbursement program for employers in the Texas workers' compensation system.

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

SECTION 1. Subchapter H, Chapter 411, Labor Code, is amended by adding Section 411.1031 to read as follows:

Sec. 411.1031. SAFETY REIMBURSEMENT PROGRAM FOR EMPLOYERS.

(a) In this section:

(1) "Program" means the workers' compensation safety reimbursement program.

(2) "Eligible employer" means any employer, other than this state or a political subdivision subject to Subtitle C, who has workers' compensation insurance coverage and who:

(A) employed at least two but not more than 50 employees on each business day during the preceding calendar year;
or

(B) is a type of employer designated as eligible to participate in the program by the commissioner.

(b) The commissioner shall establish by rule a safety reimbursement program designed to assist eligible employers in the creation of safe and healthy workplaces for employees of this state, including requirements for employer applications and appropriate use of allocated funds.

(c) The program shall reimburse an eligible employer for

1 expenses incurred by the eligible employer to facilitate a safe and
2 healthy workplace for employees of this state. Reimbursement under
3 this section to an eligible employer shall not exceed \$5,000 per
4 year. Allowable expenses may include:

- 5 (1) physical modifications to the worksite;
- 6 (2) safety equipment, devices, or tools;
- 7 (3) safety training for employees; and
- 8 (4) other costs necessary to correct any identified
9 safety hazards and protect employees from unsafe working
10 conditions.

11 (d) The commissioner by rule shall establish an optional
12 preauthorization plan for eligible employers who participate in the
13 program. To participate in the preauthorization plan, an employer
14 must submit a proposal to the division, in the manner prescribed by
15 the division that describes the workplace modifications and other
16 changes that the employer proposes to make to facilitate a safe and
17 healthy workplace for employees of this state. If the division
18 approves the employer's proposal, the division shall guarantee
19 reimbursement of the expenses incurred by the employer in
20 implementing the modifications and changes approved by the division
21 unless the division determines that the modifications and changes
22 differ materially from the employer's proposal. Reimbursement
23 under this subsection is subject to the limit imposed under
24 Subsection (c).

25 (e) From administrative penalties collected by the
26 division, the commissioner shall annually deposit the first
27 \$100,000 into the general revenue fund of the state treasury to the

1 credit of the Texas Department of Insurance operating account for
2 the purposes of funding the program. Money for the program may be
3 spent by the division, on appropriation by the legislature, only
4 for the purposes of implementing this section.

5 (f) Notwithstanding Subsections (a)-(e), this section may
6 be implemented only to the extent funds are available.

7 (g) Insurance companies shall also notify eligible
8 employers of the availability of the safety reimbursement program
9 as provided by commissioner rule.

10 (h) This section expires September 1, 2019.

11 SECTION 2. ELIGIBILITY FOR SAFETY REIMBURSEMENT PROGRAM.

12 (a) The program established under Section 411.1031, Labor Code, as
13 added by this Act, takes effect January 1, 2016.

14 (b) Not later than December 1, 2018, the commissioner of
15 workers' compensation shall report to the governor, the lieutenant
16 governor, the speaker of the house of representatives, and the
17 members of the legislature regarding the implementation of the
18 program established by Section 411.1031, Labor Code, as added by
19 this Act, and the results of the program. The report must include
20 any recommendations regarding the continuation of the program,
21 including any changes required to enhance the effectiveness of the
22 program.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. Except as
26 otherwise provided by this Act, if this Act does not receive the
27 vote necessary for immediate effect, this Act takes effect

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1 September 1, 2015.