

## **BILL ANALYSIS**

C.S.H.B. 919  
By: Kacal  
Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the state should provide workers' compensation insurance coverage for nongovernmental individuals and local government employees who serve with an intrastate fire mutual aid system team or a regional incident management team on state-activated deployments or during training sessions sponsored or sanctioned by the state. C.S.H.B. 919 seeks to maximize the effectiveness of the state's emergency response by providing appropriate coverage for such individuals.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 919 amends the Education Code to include a participating nongovernment member or local government employee member of an intrastate fire mutual aid system team or a regional incident management team, during any period in which such a team is activated by the Texas Division of Emergency Management or during any training session sponsored or sanctioned by the division for such a team, in the coverage provided under Labor Code provisions relating to workers' compensation insurance coverage for certain state employees in the same manner as an employee expressly covered by those provisions. The bill defines "intrastate fire mutual aid system team" as such a team established under the state emergency management plan or the statewide mutual aid program for fire emergencies and coordinated by the Texas A&M Forest Service to assist the state with fire suppression and all-hazard emergency response activities before and following a natural or man-made disaster. The bill defines "regional incident management team" as such a team established by the Texas A&M Forest Service or under the state emergency management plan and coordinated by the Texas A&M Forest Service to assist the state with managing incident response activities before and following a natural or man-made disaster.

C.S.H.B. 919 establishes that service with an intrastate fire mutual aid system team or a regional incident management team by a state employee member who is activated or 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 state or the university system, as applicable.

C.S.H.B. 919 amends the Labor Code to include as an employee for purposes of statutory provisions relating to workers' compensation insurance for certain state employees an intrastate

fire mutual aid system team member or a regional incident management team member who is activated by the Texas Division of Emergency Management or is injured during training sponsored or sanctioned by the division on behalf of an intrastate fire mutual aid system team or a regional incident management team, as applicable. The bill establishes the method of computing income benefits or death benefits for such a team member who is engaged in authorized training or duty under the bill's provisions. The bill requires the Texas A&M Forest Service, for purposes of the bill's provisions and statutory provisions relating to workers' compensation insurance coverage for certain state employees, to perform all duties of an employer in relation to an intrastate fire mutual aid system team member or a regional incident management team member who is injured and receives benefits under those statutory provisions.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 919 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

SECTION 1. Subchapter B, Chapter 88, Education Code, is amended by adding Section 88.126 to read as follows:

Sec. 88.126. WORKERS' COMPENSATION INSURANCE COVERAGE: INTRASTATE FIRE MUTUAL AID SYSTEM AND REGIONAL INCIDENT MANAGEMENT TEAMS.

(a) In this section:

(1) "Intrastate fire mutual aid system team" means an intrastate fire mutual aid system team established under the state emergency management plan under Section 418.042, Government Code, or the statewide mutual aid program for fire emergencies under Section 418.110, Government Code, and coordinated by the Texas A&M Forest Service to assist the state with fire suppression and all-hazard emergency response activities before and following a natural or man-made disaster.

(2) "Local government employee member" means a member employed by a local government, as defined by Section 102.001, Civil Practice and Remedies Code.

(3) "Member" means an individual, other than an employee of The Texas A&M University System, who has been officially designated as a member of an intrastate fire mutual aid system team or a regional

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter B, Chapter 88, Education Code, is amended by adding Section 88.126 to read as follows:

Sec. 88.126. WORKERS' COMPENSATION INSURANCE COVERAGE: INTRASTATE FIRE MUTUAL AID SYSTEM AND REGIONAL INCIDENT MANAGEMENT TEAMS.

(a). Same as introduced version.

incident management team.

(4) "Nongovernment member" means a member who is not a state employee member, a local government employee member, or an employee of The Texas A&M University System.

(5) "Regional incident management team" means a regional incident management team established under Section 88.122 or under the state emergency management plan under Section 418.042, Government Code, and coordinated by the Texas A&M Forest Service to assist the state with managing incident response activities before and following a natural or man-made disaster.

(6) "State employee member" means a member employed by an agency of the state other than a component of The Texas A&M University System.

(b) Notwithstanding any other law, during any period in which an intrastate fire mutual aid system team or a regional incident management team is activated by the Texas Division of Emergency Management, or during any training session sponsored or sanctioned by the Texas Division of Emergency Management for an intrastate fire mutual aid system team or a regional incident management team, a participating nongovernment member or local government employee member is included in the coverage provided under Chapter 501, Labor Code, in the same manner as an employee, as defined by Section 501.001, Labor Code.

(c) Service with an intrastate fire mutual aid system team or a regional incident management team 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) Service with an intrastate fire mutual aid system team or a regional incident management team 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.

(e) Notwithstanding Section 412.0123, Labor Code, as added by Chapter 1098 (H.B. 2133), Acts of the 75th Legislature, Regular Session, 1997, the Texas Division of Emergency Management shall reimburse the State Office of Risk Management for the

(b). Same as introduced version.

(c). Same as introduced version.

(d). Same as introduced version.

No equivalent provision.

actual medical and indemnity benefits paid on behalf of a covered member of an intrastate fire mutual aid system team or a regional incident management team at the beginning of the next state fiscal year occurring after the date the benefits are paid.

SECTION 2. The heading to Section 408.0445, Labor Code, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Section 408.0445, Labor Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Section 501.001(5), Labor Code, is amended.

SECTION 4. Same as introduced version.

SECTION 5. Section 501.002, Labor Code, is amended.

SECTION 5. Same as introduced version.

SECTION 6. The change in law made 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 the effective date of this Act 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.

SECTION 6. Same as introduced version.

SECTION 7. This Act takes effect September 1, 2017.

SECTION 7. Same as introduced version.