

By: Kacal, Shine, King of Hemphill, et al.

H.B. No. 919

Substitute the following for H.B. No. 919:

By: Oliveira

C.S.H.B. No. 919

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation insurance coverage for certain intrastate fire mutual aid system team members and regional incident management team members.

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

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

1 system team or a regional incident management team.

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

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

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

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

24 (c) Service with an intrastate fire mutual aid system team
25 or a regional incident management team by a state employee member
26 who is activated is considered to be in the course and scope of the
27 employee's regular employment with the state.

1 (d) Service with an intrastate fire mutual aid system team
2 or a regional incident management team by an employee of The Texas
3 A&M University System is considered to be in the course and scope of
4 the employee's regular employment with The Texas A&M University
5 System.

6 SECTION 2. The heading to Section 408.0445, Labor Code, is
7 amended to read as follows:

8 Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF STATE
9 MILITARY FORCES, ~~[AND]~~ TEXAS TASK FORCE 1, INTRASTATE FIRE MUTUAL
10 AID SYSTEM TEAMS, AND REGIONAL INCIDENT MANAGEMENT TEAMS.

11 SECTION 3. Section 408.0445, Labor Code, is amended by
12 adding Subsection (c) to read as follows:

13 (c) For purposes of computing income benefits or death
14 benefits under Section 88.126, Education Code, the average weekly
15 wage of an intrastate fire mutual aid system team member or a
16 regional incident management team member, as defined by Section
17 88.126, Education 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, including self-employment, that the member
20 holds in addition to serving as a member of an intrastate fire
21 mutual aid system team or a regional incident management team, as
22 applicable, except that the amount may not exceed 100 percent of the
23 state average weekly wage as determined under Section 408.047. A
24 member for whom an average weekly wage cannot be computed shall be
25 paid the minimum weekly benefit established by the division.

26 SECTION 4. Section 501.001(5), Labor Code, is amended to
27 read as follows:

1 (5) "Employee" means a person who is:

2 (A) in the service of the state pursuant to an
3 election, appointment, or express oral or written contract of hire;

4 (B) paid from state funds but whose duties
5 require that the person work and frequently receive supervision in
6 a political subdivision of the state;

7 (C) a peace officer employed by a political
8 subdivision, while the peace officer is exercising authority
9 granted under:

10 (i) Article 2.12, Code of Criminal
11 Procedure; or

12 (ii) Articles 14.03(d) and (g), Code of
13 Criminal Procedure;

14 (D) a member of the state military forces, as
15 defined by Section 437.001, Government Code, who is engaged in
16 authorized training or duty; ~~or~~

17 (E) a Texas Task Force 1 member, as defined by
18 Section 88.301, Education Code, who is activated by the Texas
19 Division of Emergency Management or is injured during training
20 sponsored or sanctioned by Texas Task Force 1; or

21 (F) an intrastate fire mutual aid system team
22 member or a regional incident management team member, as defined by
23 Section 88.126, Education Code, who is activated by the Texas
24 Division of Emergency Management or is injured during training
25 sponsored or sanctioned by the Texas Division of Emergency
26 Management on behalf of an intrastate fire mutual aid system team or
27 a regional incident management team, as applicable.

1 SECTION 5. Section 501.002, Labor Code, is amended by
2 adding Subsection (g) to read as follows:

3 (g) For purposes of this chapter and Section 88.126,
4 Education Code, the Texas A&M Forest Service shall perform all
5 duties of an employer in relation to an intrastate fire mutual aid
6 system team member or a regional incident management team member
7 who is injured and receives benefits under this chapter.

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

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