

By: Kacal

H.B. No. 919

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to workers' compensation insurance coverage for certain  
3 intrastate fire mutual aid system team members and regional  
4 incident management team members.

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

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

8 Sec. 88.126. WORKERS' COMPENSATION INSURANCE COVERAGE:  
9 INTRASTATE FIRE MUTUAL AID SYSTEM AND REGIONAL INCIDENT MANAGEMENT  
10 TEAMS. (a) In this section:

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

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

22 (3) "Member" means an individual, other than an  
23 employee of The Texas A&M University System, who has been  
24 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       (e) Notwithstanding Section 412.0123, Labor Code, as added  
7 by Chapter 1098 (H.B. 2133), Acts of the 75th Legislature, Regular  
8 Session, 1997, the Texas Division of Emergency Management shall  
9 reimburse the State Office of Risk Management for the actual  
10 medical and indemnity benefits paid on behalf of a covered member of  
11 an intrastate fire mutual aid system team or a regional incident  
12 management team at the beginning of the next state fiscal year  
13 occurring after the date the benefits are paid.

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

16       Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF STATE  
17 MILITARY FORCES, ~~AND~~ TEXAS TASK FORCE 1, INTRASTATE FIRE MUTUAL  
18 AID SYSTEM TEAMS, AND REGIONAL INCIDENT MANAGEMENT TEAMS.

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

21       (c) For purposes of computing income benefits or death  
22 benefits under Section 88.126, Education Code, the average weekly  
23 wage of an intrastate fire mutual aid system team member or a  
24 regional incident management team member, as defined by Section  
25 88.126, Education Code, who is engaged in authorized training or  
26 duty is an amount equal to the sum of the member's regular weekly  
27 wage at any employment, including self-employment, that the member

1 holds in addition to serving as a member of an intrastate fire  
2 mutual aid system team or a regional incident management team, as  
3 applicable, except that the amount may not exceed 100 percent of the  
4 state average weekly wage as determined under Section 408.047. A  
5 member for whom an average weekly wage cannot be computed shall be  
6 paid the minimum weekly benefit established by the division.

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

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

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

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

15 (C) a peace officer employed by a political  
16 subdivision, while the peace officer is exercising authority  
17 granted under:

18 (i) Article 2.12, Code of Criminal  
19 Procedure; or

20 (ii) Articles 14.03(d) and (g), Code of  
21 Criminal Procedure;

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

25 (E) a Texas Task Force 1 member, as defined by  
26 Section 88.301, Education Code, who is activated by the Texas  
27 Division of Emergency Management or is injured during training

1 sponsored or sanctioned by Texas Task Force 1; or  
2 (F) an intrastate fire mutual aid system team  
3 member or a regional incident management team member, as defined by  
4 Section 88.126, Education Code, who is activated by the Texas  
5 Division of Emergency Management or is injured during training  
6 sponsored or sanctioned by the Texas Division of Emergency  
7 Management on behalf of an intrastate fire mutual aid system team or  
8 a regional incident management team, as applicable.

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

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

16 SECTION 6. The change in law made by this Act applies only  
17 to a claim for workers' compensation benefits based on a  
18 compensable injury that occurs on or after the effective date of  
19 this Act. A claim based on a compensable injury that occurs before  
20 the effective date of this Act is governed by the law in effect on  
21 the date the compensable injury occurred, and the former law is  
22 continued in effect for that purpose.

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