

By: Hughes

S.B. No. 1069

A BILL TO BE ENTITLED

AN ACT

relating to certain claims for benefits or compensation by survivors of fire fighters.

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

SECTION 1. Section 615.021, Government Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) In a determination of whether the survivor of an individual listed under Section 615.003(10), (11), or (12) is eligible for the payment of assistance under this chapter, the opinion of the individual's employer on whether the individual's death resulted from a personal injury sustained in the line of duty may not be considered.

(d-2) In a determination on the payment of assistance under Subsection (d) to a survivor of an individual listed under Section 615.003(10), (11), or (12) who died as a result of an illness sustained in the line of duty, any reasonable doubt arising from the circumstances of the individual's death shall be resolved in favor of payment if scientific evidence is presented that establishes:

(1) the incidence rate for the individual's illness is statistically significantly higher among persons performing the same job duties as the individual compared to the incidence rate of the illness for the general population; or

(2) a causal link between the individual's illness and a hazardous condition encountered by the individual in performing

1 the individual's job duties.

2 (d-3) If an individual listed under Section 615.003(10),
3 (11), or (12) died as a result of a newly discovered or rare illness
4 for which the scientific evidence described in Subsection (d-2)
5 does not exist, deference shall be given to the medical opinion of
6 the individual's treating physician to resolve in favor of the
7 payment of assistance under Subsection (d) any reasonable doubt
8 regarding the circumstances of the individual's death as a result
9 of an illness sustained in the line of duty.

10 SECTION 2. The changes in law made by this Act apply only to
11 a claim for benefits or compensation brought on or after the
12 effective date of this Act. A claim for benefits or compensation
13 brought before that date is covered by the law in effect on the date
14 the claim was brought, and that law is continued in effect for that
15 purpose.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2017.