

BILL ANALYSIS

C.S.H.B. 4464
By: González, Mary
Trade, Workforce & Economic Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the current system for workers' compensation for persons injured while deployed under Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team is insufficient and unfairly punishes local governments for allowing their employees to participate in those programs. C.S.H.B. 4464 seeks to address this issue by clarifying that the state will pay for the costs of participating in these programs.

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. 4464 amends the Labor Code to establish that, for purposes of workers' compensation insurance coverage for certain government employees under applicable state law, service with Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team, as applicable, by an employee is considered to be in the course and scope of the employee's regular employment with the employer. This provision applies only to an employee who is the following:

- a member of Texas Task Force 1, defined by reference to applicable Education Code provisions, or a member of an intrastate fire mutual aid system team or a regional incident management team, as defined by reference to applicable Education Code provisions relating to workers' compensation insurance coverage for such a member; and
- activated by the Texas Division of Emergency Management (TDEM) or is injured during training that is sponsored or sanctioned by TDEM or Texas Task Force 1.

The bill defines "employee" for such applicability purposes by reference to applicable state law governing workers' compensation insurance coverage for the following government employees:

- state employees, including employees under the direction or control of the board of regents of Texas Tech University;
- employees of The Texas A&M University System and employees of institutions of The Texas A&M University System;
- employees of The University of Texas System and employees of institutions of The University of Texas System;
- employees of political subdivisions; and
- employees of the Texas Department of Transportation.

The bill accordingly removes such Texas Task Force 1 members, intrastate fire mutual aid system team members, and regional incident management team members from the meaning of "employee" for such coverage entitlement purposes for state employees. The bill repeals the

following provisions relating to Texas Task Force 1, intrastate fire mutual aid system team, and regional incident management team members:

- calculating workers' compensation benefits; and
- the Texas Engineering Extension Service of The Texas A&M University System and the Texas A&M Forest Service performing the workers' compensation duties of an employer.

C.S.H.B. 4464 amends the Education Code to do the following with respect to statutory provisions governing workers' compensation insurance coverage for intrastate fire mutual aid system and regional incident management teams as follows:

- revises the definition of "local government employee member" as a member employed by an applicable local government by specifying that the member be an employee to whom statutory provisions governing workers' compensation insurance coverage for employees of political subdivisions applies;
- establishes that service with an intrastate fire mutual aid system team or a regional incident management team by a local government employee member who is activated is considered to be in the course and scope of the employee's regular employment with the local government for such coverage entitlement purposes;
- repeals the provision including a participating nongovernment member in the workers' compensation insurance coverage provided under applicable state law for state employees in the same manner as such an employee during any period in which an intrastate fire mutual aid system team or a regional incident management team is activated by TDEM, or during any training session sponsored or sanctioned by TDEM for an intrastate fire mutual aid system team or a regional incident management team; and
- accordingly repeals the definition of "nongovernment member" for purposes of entitlement to such coverage.

C.S.H.B. 4464 does the following with respect to statutory provisions governing workers' compensation insurance coverage for Texas Task Force 1 members as follows:

- establishes that service with Texas Task Force 1 by a local government employee member who is activated is considered to be in the course and scope of the employee's regular employment with the local government for workers' compensation insurance coverage purposes;
- repeals the provision including a participating nongovernment member in the workers' compensation insurance coverage provided under applicable state law for state employees in the same manner as such an employee during any period in which Texas Task Force 1 is activated by TDEM, or during any training session sponsored or sanctioned by Texas Task Force 1; and
- accordingly repeals the definition of "nongovernment member" for purposes of entitlement to such coverage.

C.S.H.B. 4464 applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after the bill's effective date. A claim based on a compensable injury that occurs before the bill's effective date 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.

C.S.H.B. 4464 repeals the following provisions:

- Sections 88.126(a)(4) and 88.126(b), Education Code;
- Sections 88.301(3) and 88.303(a), Education Code;
- Sections 408.0445(b) and (c), Labor Code; and
- Sections 501.002(f) and (g), Labor Code.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4464 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits the provisions from the introduced that provided for the exclusion of the following persons from workers' compensation insurance coverage as state employees:

- a Texas Task Force 1 member who is activated by TDEM or is injured during training sponsored or sanctioned by Texas Task Force 1; and
- an intrastate fire mutual aid system team member or a regional incident management team member who is activated by TDEM or is injured during training sponsored or sanctioned by TDEM on behalf of an intrastate fire mutual aid system team or a regional incident management team, as applicable.

The substitute instead provides for limited applicability of workers' compensation insurance coverage for certain government employees under applicable state law by including the following provisions that did not appear in the introduced:

- a provision establishing that, for purposes of such coverage entitlement purposes, service with Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team, as applicable, by an employee is considered to be in the course and scope of the employee's regular employment with the employer and making this provision applicable only to an employee who is the following:
 - a member of Texas Task Force 1, defined by reference to applicable Education Code provisions, or a member of an intrastate fire mutual aid system team or a regional incident management team, as Education Code provisions relating to workers' compensation insurance coverage for such a member; and
 - activated by TDEM or is injured during training that is sponsored or sanctioned by TDEM or Texas Task Force 1;
- a provision defining "employee" for such applicability purposes by reference to applicable state law governing workers' compensation insurance coverage for certain government employees;
- provisions doing the following with respect to statutory provisions governing workers' compensation insurance coverage for intrastate fire mutual aid system and regional incident management teams as follows:
 - revising the definition of "local government employee member" as a member employed by an applicable local government by specifying that the member be an employee to whom statutory provisions governing workers' compensation insurance coverage for employees of political subdivisions applies;
 - establishing that service with an intrastate fire mutual aid system team or a regional incident management team by a local government employee member who is activated is considered to be in the course and scope of the employee's regular employment with the local government for such coverage entitlement purposes;
 - repealing provisions that provided for participating nongovernment members of Texas Task Force 1, an intrastate fire mutual aid system team, or a regional incident management team to be included in the workers' compensation insurance coverage provided for state employees in the same manner as such an employee during any applicable period of activation; and
 - accordingly repealing the definition of "nongovernment member" for purposes of entitlement to such coverage; and
- provisions establishing that service with Texas Task Force 1 by a local government employee member who is activated is considered to be in the course and scope of the employee's regular employment with the local government for workers' compensation insurance coverage purposes.