

By: Collier, Guillen

H. B. No. 2466

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the creation of a safety reimbursement program for  
3 employers participating in the workers' compensation system.

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

5 SECTION 1. Subchapter H, Chapter 411, Labor Code, is  
6 amended by adding Section 411.1031 to read as follows:

7                   Sec. 411.1031. SAFETY REIMBURSEMENT PROGRAM. (a) In this

8 section:

20 (b) The commissioner shall adopt rules establishing a  
21 safety reimbursement program designed to assist eligible employers  
22 in the creation of safe and healthy workplaces for employees of this  
23 state. The rules must include requirements for eligible employer  
24 applications and appropriate use of allocated funds.

1        (c) The program shall reimburse an eligible employer for  
2        expenses incurred by the employer to facilitate a safe and healthy  
3        workplace for employees of the employer. Reimbursement under this  
4        section to an eligible employer may not exceed \$5,000 per calendar  
5        year. Allowable expenses may include:

6                (1) physical modifications to the worksite;  
7                (2) safety equipment, devices, and tools;  
8                (3) safety training for employees; and  
9                (4) other measures or equipment necessary to correct  
10        identified safety hazards and protect employees from unsafe working  
11        conditions.

12        (d) The commissioner by rule shall establish an optional  
13        preauthorization plan for eligible employers that participate in  
14        the program. The plan must require that an eligible employer submit  
15        to the division a proposal in compliance with division rules that  
16        describes the workplace modifications and other changes that the  
17        employer proposes to make to facilitate a safe and healthy  
18        workplace for employees of the employer.

19        (e) If the division approves an eligible employer's  
20        proposal submitted under Subsection (d), the division shall  
21        guarantee reimbursement of the expenses incurred by the employer in  
22        implementing the modifications and changes approved by the division  
23        unless the division determines that the modifications and changes  
24        differ materially from the employer's proposal. Reimbursement  
25        under this subsection is subject to the limit imposed under  
26        Subsection (c).

27        (f) From administrative penalties collected by the

1 division, the commissioner shall annually deposit the first  
2 \$100,000 into the general revenue fund of the state treasury to the  
3 credit of the Texas Department of Insurance operating account for  
4 the purposes of funding the program. Money for the program may be  
5 spent by the division, on appropriation by the legislature, only  
6 for the purposes of implementing this section.

7 (g) An insurance company shall notify eligible employers of  
8 the availability of the program as provided by commissioner rule.

9 (h) Notwithstanding Subsections (a)-(g), this section may  
10 be implemented only to the extent funds are available.

11 (i) Not later than December 1, 2018, the commissioner shall  
12 report to the governor, the lieutenant governor, the speaker of the  
13 house of representatives, and the members of the legislature  
14 regarding:

15 (1) the implementation of the program;  
16 (2) the results of the program; and  
17 (3) recommendations regarding the continuation of the  
18 program, including any changes necessary to enhance the  
19 effectiveness of the program.

20 (j) This section expires September 1, 2019.

21 SECTION 2. (a) As soon as practicable after the effective  
22 date of this Act, the commissioner of workers' compensation shall  
23 adopt rules necessary to implement the workers' compensation safety  
24 reimbursement program established under Section 411.1031, Labor  
25 Code, as added by this Act.

26 (b) The division of workers' compensation of the Texas  
27 Department of Insurance shall implement the workers' compensation

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1 safety reimbursement program established under Section 411.1031,  
2 Labor Code, as added by this Act, beginning January 1, 2016.

3 (c) An eligible employer may not receive reimbursement  
4 under Section 411.1031, Labor Code, as added by this Act, for costs  
5 incurred before January 1, 2016.

6 SECTION 3. This Act takes effect September 1, 2015.