

1-1 By: Collier, Guillen (Senate Sponsor - Eltife) H.B. No. 2466
1-2 (In the Senate - Received from the House May 7, 2015;
1-3 May 7, 2015, read first time and referred to Committee on Business
1-4 and Commerce; May 15, 2015, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Eltife			X	
1-8 Creighton	X			
1-9 Ellis	X			
1-10 Huffines	X			
1-11 Schwertner	X			
1-12 Seliger	X			
1-13 Taylor of Galveston	X			
1-14 Watson	X			
1-15 Whitmire	X			
1-16				

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of a safety reimbursement program for
1-20 employers participating in the workers' compensation system.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter H, Chapter 411, Labor Code, is
1-23 amended by adding Section 411.1031 to read as follows:

1-24 Sec. 411.1031. SAFETY REIMBURSEMENT PROGRAM. (a) In this
1-25 section:

1-26 (1) "Eligible employer" means an employer, other than
1-27 this state or a political subdivision of this state subject to
1-28 Subtitle C, that has workers' compensation insurance coverage and
1-29 that:

1-30 (A) employed at least two but not more than 50
1-31 employees on each business day during the preceding calendar year;
1-32 or

1-33 (B) is a type of employer designated as eligible
1-34 to participate in the program by the commissioner.

1-35 (2) "Program" means the workers' compensation safety
1-36 reimbursement program established under this section.

1-37 (b) The commissioner shall adopt rules establishing a
1-38 safety reimbursement program designed to assist eligible employers
1-39 in the creation of safe and healthy workplaces for employees of this
1-40 state. The rules must include requirements for eligible employer
1-41 applications and appropriate use of allocated funds.

1-42 (c) The program shall reimburse an eligible employer for
1-43 expenses incurred by the employer to facilitate a safe and healthy
1-44 workplace for employees of the employer. Reimbursement under this
1-45 section to an eligible employer may not exceed \$5,000 per calendar
1-46 year. Allowable expenses may include:

1-47 (1) physical modifications to the worksite;
1-48 (2) safety equipment, devices, and tools;
1-49 (3) safety training for employees; and
1-50 (4) other measures or equipment necessary to correct
1-51 identified safety hazards and protect employees from unsafe working
1-52 conditions.

1-53 (d) The commissioner by rule shall establish an optional
1-54 preauthorization plan for eligible employers that participate in
1-55 the program. The plan must require that an eligible employer submit
1-56 to the division a proposal in compliance with division rules that
1-57 describes the workplace modifications and other changes that the
1-58 employer proposes to make to facilitate a safe and healthy
1-59 workplace for employees of the employer.

1-60 (e) If the division approves an eligible employer's
1-61 proposal submitted under Subsection (d), the division shall

2-1 guarantee reimbursement of the expenses incurred by the employer in
2-2 implementing the modifications and changes approved by the division
2-3 unless the division determines that the modifications and changes
2-4 differ materially from the employer's proposal. Reimbursement
2-5 under this subsection is subject to the limit imposed under
2-6 Subsection (c).

2-7 (f) From administrative penalties collected by the
2-8 division, the commissioner shall annually deposit the first
2-9 \$100,000 into the general revenue fund of the state treasury to the
2-10 credit of the Texas Department of Insurance operating account for
2-11 the purposes of funding the program. Money for the program may be
2-12 spent by the division, on appropriation by the legislature, only
2-13 for the purposes of implementing this section.

2-14 (g) An insurance company shall notify eligible employers of
2-15 the availability of the program as provided by commissioner rule.

2-16 (h) Notwithstanding Subsections (a)-(q), this section may
2-17 be implemented only to the extent funds are available.

2-18 (i) Not later than December 1, 2018, the commissioner shall
2-19 report to the governor, the lieutenant governor, the speaker of the
2-20 house of representatives, and the members of the legislature
2-21 regarding:

2-22 (1) the implementation of the program;
2-23 (2) the results of the program; and
2-24 (3) recommendations regarding the continuation of the
2-25 program, including any changes necessary to enhance the
2-26 effectiveness of the program.

2-27 (j) This section expires September 1, 2019.

2-28 SECTION 2. (a) As soon as practicable after the effective
2-29 date of this Act, the commissioner of workers' compensation shall
2-30 adopt rules necessary to implement the workers' compensation safety
2-31 reimbursement program established under Section 411.1031, Labor
2-32 Code, as added by this Act.

2-33 (b) The division of workers' compensation of the Texas
2-34 Department of Insurance shall implement the workers' compensation
2-35 safety reimbursement program established under Section 411.1031,
2-36 Labor Code, as added by this Act, beginning January 1, 2016.

2-37 (c) An eligible employer may not receive reimbursement
2-38 under Section 411.1031, Labor Code, as added by this Act, for costs
2-39 incurred before January 1, 2016.

2-40 SECTION 3. This Act takes effect September 1, 2015.

2-41 * * * * *