

1-1 By: Kacal, et al. (Senate Sponsor - Schwertner) H.B. No. 919
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 15, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

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

1-19 relating to workers' compensation insurance coverage for certain
 1-20 intrastate fire mutual aid system team members and regional
 1-21 incident management team members.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 88, Education Code, is
 1-24 amended by adding Section 88.126 to read as follows:

1-25 Sec. 88.126. WORKERS' COMPENSATION INSURANCE COVERAGE:
 1-26 INTRASTATE FIRE MUTUAL AID SYSTEM AND REGIONAL INCIDENT MANAGEMENT
 1-27 TEAMS. (a) In this section:

1-28 (1) "Intrastate fire mutual aid system team" means an
 1-29 intrastate fire mutual aid system team established under the state
 1-30 emergency management plan under Section 418.042, Government Code,
 1-31 or the statewide mutual aid program for fire emergencies under
 1-32 Section 418.110, Government Code, and coordinated by the Texas A&M
 1-33 Forest Service to assist the state with fire suppression and
 1-34 all-hazard emergency response activities before and following a
 1-35 natural or man-made disaster.

1-36 (2) "Local government employee member" means a member
 1-37 employed by a local government, as defined by Section 102.001,
 1-38 Civil Practice and Remedies Code.

1-39 (3) "Member" means an individual, other than an
 1-40 employee of The Texas A&M University System, who has been
 1-41 officially designated as a member of an intrastate fire mutual aid
 1-42 system team or a regional incident management team.

1-43 (4) "Nongovernment member" means a member who is not a
 1-44 state employee member, a local government employee member, or an
 1-45 employee of The Texas A&M University System.

1-46 (5) "Regional incident management team" means a
 1-47 regional incident management team established under Section 88.122
 1-48 or under the state emergency management plan under Section 418.042,
 1-49 Government Code, and coordinated by the Texas A&M Forest Service to
 1-50 assist the state with managing incident response activities before
 1-51 and following a natural or man-made disaster.

1-52 (6) "State employee member" means a member employed by
 1-53 an agency of the state other than a component of The Texas A&M
 1-54 University System.

1-55 (b) Notwithstanding any other law, during any period in
 1-56 which an intrastate fire mutual aid system team or a regional
 1-57 incident management team is activated by the Texas Division of
 1-58 Emergency Management, or during any training session sponsored or
 1-59 sanctioned by the Texas Division of Emergency Management for an
 1-60 intrastate fire mutual aid system team or a regional incident
 1-61 management team, a participating nongovernment member or local

2-1 government employee member is included in the coverage provided
2-2 under Chapter 501, Labor Code, in the same manner as an employee, as
2-3 defined by Section 501.001, Labor Code.

2-4 (c) Service with an intrastate fire mutual aid system team
2-5 or a regional incident management team by a state employee member
2-6 who is activated is considered to be in the course and scope of the
2-7 employee's regular employment with the state.

2-8 (d) Service with an intrastate fire mutual aid system team
2-9 or a regional incident management team by an employee of The Texas
2-10 A&M University System is considered to be in the course and scope of
2-11 the employee's regular employment with The Texas A&M University
2-12 System.

2-13 SECTION 2. The heading to Section 408.0445, Labor Code, is
2-14 amended to read as follows:

2-15 Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF STATE
2-16 MILITARY FORCES, ~~[AND]~~ TEXAS TASK FORCE 1, INTRASTATE FIRE MUTUAL
2-17 AID SYSTEM TEAMS, AND REGIONAL INCIDENT MANAGEMENT TEAMS.

2-18 SECTION 3. Section 408.0445, Labor Code, is amended by
2-19 adding Subsection (c) to read as follows:

2-20 (c) For purposes of computing income benefits or death
2-21 benefits under Section 88.126, Education Code, the average weekly
2-22 wage of an intrastate fire mutual aid system team member or a
2-23 regional incident management team member, as defined by Section
2-24 88.126, Education Code, who is engaged in authorized training or
2-25 duty is an amount equal to the sum of the member's regular weekly
2-26 wage at any employment, including self-employment, that the member
2-27 holds in addition to serving as a member of an intrastate fire
2-28 mutual aid system team or a regional incident management team, as
2-29 applicable, except that the amount may not exceed 100 percent of the
2-30 state average weekly wage as determined under Section 408.047. A
2-31 member for whom an average weekly wage cannot be computed shall be
2-32 paid the minimum weekly benefit established by the division.

2-33 SECTION 4. Section 501.001(5), Labor Code, is amended to
2-34 read as follows:

2-35 (5) "Employee" means a person who is:

2-36 (A) in the service of the state pursuant to an
2-37 election, appointment, or express oral or written contract of hire;

2-38 (B) paid from state funds but whose duties
2-39 require that the person work and frequently receive supervision in
2-40 a political subdivision of the state;

2-41 (C) a peace officer employed by a political
2-42 subdivision, while the peace officer is exercising authority
2-43 granted under:

2-44 (i) Article 2.12, Code of Criminal
2-45 Procedure; or

2-46 (ii) Articles 14.03(d) and (g), Code of
2-47 Criminal Procedure;

2-48 (D) a member of the state military forces, as
2-49 defined by Section 437.001, Government Code, who is engaged in
2-50 authorized training or duty; ~~[or]~~

2-51 (E) a Texas Task Force 1 member, as defined by
2-52 Section 88.301, Education Code, who is activated by the Texas
2-53 Division of Emergency Management or is injured during training
2-54 sponsored or sanctioned by Texas Task Force 1; or

2-55 (F) an intrastate fire mutual aid system team
2-56 member or a regional incident management team member, as defined by
2-57 Section 88.126, Education Code, who is activated by the Texas
2-58 Division of Emergency Management or is injured during training
2-59 sponsored or sanctioned by the Texas Division of Emergency
2-60 Management on behalf of an intrastate fire mutual aid system team or
2-61 a regional incident management team, as applicable.

2-62 SECTION 5. Section 501.002, Labor Code, is amended by
2-63 adding Subsection (g) to read as follows:

2-64 (g) For purposes of this chapter and Section 88.126,
2-65 Education Code, the Texas A&M Forest Service shall perform all
2-66 duties of an employer in relation to an intrastate fire mutual aid
2-67 system team member or a regional incident management team member
2-68 who is injured and receives benefits under this chapter.

2-69 SECTION 6. The change in law made by this Act applies only

3-1 to a claim for workers' compensation benefits based on a
3-2 compensable injury that occurs on or after the effective date of
3-3 this Act. A claim based on a compensable injury that occurs before
3-4 the effective date of this Act is governed by the law in effect on
3-5 the date the compensable injury occurred, and the former law is
3-6 continued in effect for that purpose.

3-7 SECTION 7. This Act takes effect September 1, 2017.

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