

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1324
By: Gallegos
Human Services
4/22/1999
Committee Report (Substituted)

DIGEST

Currently, in instances of declared disaster when search and rescue teams are needed to provide volunteer services, a vast majority of team members are provided by local political subdivisions. Such individuals are considered to be state volunteers because local political subdivisions continue to pay team member salaries and the salaries of the people who must be called in to replace place them at the local level. Local political subdivisions are concerned about having to pay workers' compensation to employees who are injured when providing volunteer services in times of declared disaster. This bill would entitle certain persons who perform volunteer services for the state in a declared disaster under the direction of an officer or employee of the state or a political subdivision of the state to workers' compensation benefits for injuries sustained by the person in the course of providing such services.

PURPOSE

As proposed, C.S.S.B. 1324 sets forth eligibility criteria for workers' compensation benefits for certain persons who provide volunteer services in a declared emergency.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 501B, Labor Code, by adding Section 501.026, as follows:

Sec. 501.026. COVERAGE FOR CERTAIN SERVICES PROVIDED BY VOLUNTEERS. Defines "disaster." Entitles a person not otherwise covered by workers' compensation insurance for the services performed under this section who performs volunteer services for the state in a disaster or in a scheduled emergency response training under the direction of an officer or employee of the state or a political subdivision, to benefits under this chapter only for injuries sustained in the course of providing services while a state of disaster may reasonably be considered to be in existence. Entitles a person employed by a political subdivision who is injured in the course of providing services described by Subsection (b) to benefits only if the services are performed outside the jurisdiction of the political subdivision by which the person is employed. Authorizes a person entitled to benefits to receive benefits only if the person seeks medical attention not later than 48 hours after the occurrence of the injury. Requires the person to comply with the requirements of Section 409.001 by providing notice of the injury to the Texas Workers' Compensation Commission (commission) or the state agency with which the officer or employee under Subsection (b) is associated.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Provides that this Act relates to eligibility for workers' compensation benefits for persons who provide certain volunteer services.

SECTION 1.

Amends Chapter 501B, Labor Code, to redefine "disaster." Entitles a person not otherwise covered by workers' compensation insurance for the services performed under this section who performs volunteer services in a scheduled emergency response training to benefits. Entitles a person employed by a political subdivision who is injured in the course of providing services to benefits only if the services are performed outside the jurisdiction of the political subdivision by which the person is employed. Authorizes a person entitled to benefits to receive benefits only if the person seeks medical attention not later than 48 hours after the occurrence of the injury. Requires the person to comply with the requirements of Section 409.001 by providing notice of the injury to the commission or the state agency with which the officer or employee is associated.