

BILL ANALYSIS

Senate Research Center
85R5415 KKR-F

S.B. 1493
By: Zaffirini
Business & Commerce
3/27/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, when a dispute arises regarding a workers' compensation claim, the dispute may be resolved through a quasi-judicial process involving a hearing. The Division of Workers' Compensation (DWC) personnel who preside at these hearings are referred to in current law as "hearing officers." DWC's leadership believes that this title does not accurately reflect those employees' role. Hearing officers must be licensed attorneys, and, for purposes of the state employee classification titles established by the State Auditor's Office, they already are classified as administrative law judges. What's more, personnel discharging similar duties in other states' workers' compensation systems and in other agencies in Texas typically are referred to as administrative law judges. For clarity and consistency, Texas DWC hearing officers should be so called as well. S.B. 1493 therefore amends the Division of Workers' Compensation statute to change references in that statute from "hearing officer" to "administrative law judge."

As proposed, S.B. 1493 amends current law relating to changing statutory references to hearing officer and hearings officer to administrative law judge under the workers' compensation system.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1305.356(b), Insurance Code, to change a reference to a hearing officer to administrative law judge.

SECTION 2. Amends Section 409.0091(m), Labor Code, to change a reference to a hearing officer to an administrative law judge.

SECTION 3. Amends Section 410.152, Labor Code, as follows:

Sec. 410.152. New heading: ADMINISTRATIVE LAW JUDGES; QUALIFICATIONS.
(a) and (b) Changes references to a hearing officer to an administrative law judge.

SECTION 4. Amends Section 410.156(b), Labor Code, to change a reference to a hearing officer to an administrative law judge.

SECTION 5. Amends Section 410.158(a), Labor Code, to change a reference to hearing officer to administrative law judge.

SECTION 6. Amends Section 410.162, Labor Code, to change a reference to hearing officer to administrative law judge.

SECTION 7. Amends Section 410.163, Labor Code, as follows:

Sec. 410.163. New heading: POWERS AND DUTIES OF ADMINISTRATIVE LAW JUDGE. (a) and (b) Changes references to a hearing officer to an administrative law judge.

SECTION 8. Amends Section 410.164(c), Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 9. Amends Section 410.165, Labor Code, to change references to hearing officer to administrative law judge.

SECTION 10. Amends Section 410.167, Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 11. Amends Sections 410.168(a), (c), (d), and (e), Labor Code, to change references to hearing officer to administrative law judge.

SECTION 12. Amends Section 410.169, Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 13. Amends Sections 410.202(a) and (c), Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 14. Amends Section 410.203(b), Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 15. Amends Section 410.204(a-1) and (c), Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 16. Amends Section 413.0311(b), (c), and (d), Labor Code, to change references to a hearing officer to an administrative law judge.

SECTION 17. Amends Section 504.054(b), Labor Code, to change a reference to hearing officer to administrative law judge.

SECTION 18. Effective date: September 1, 2017.