

## **BILL ANALYSIS**

C.S.H.B. 1922  
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Pensions  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have arisen regarding the difficulty in determining when fatal illnesses suffered by certain fire fighters are caused by line-of-duty work under hazardous conditions for purposes of financial assistance benefits for survivors of those firefighters. C.S.H.B. 1922 seeks to remedy this situation by providing certain standards for determining for such purposes whether illnesses are caused by line-of-duty work.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1922 amends the Government Code to set out provisions relating to certain claims for benefits or compensation by the survivor of an individual who is employed by the state or a political or legal subdivision and is subject to certification by the Texas Commission on Fire Protection, an individual employed by the state or a political or legal subdivision whose principal duties are aircraft crash and rescue firefighting, or an individual who is a member of an organized volunteer firefighting unit that renders firefighting services without remuneration and conducts a minimum of two drills each month, each two hours long. The bill prohibits the opinion of the individual's employer on whether the individual's death resulted from an illness caused by line-of-duty work from being considered in a determination of whether the survivor of an individual is eligible for the payment of financial assistance. The bill provides that, in a determination on the payment of financial assistance to a survivor of an individual who died as a result of an illness caused by line-of-duty work, consideration is required to be given to scientific evidence that establishes an incidence rate for the individual's illness that is statistically significantly higher among persons performing the same job duties as the individual compared to the incidence rate of the illness for the general population or that establishes a causal link between the individual's illness and a hazardous condition encountered by the individual in performing the individual's job duties. The bill provides that, if an individual died as a result of a newly discovered or rare cancer for which such scientific evidence does not exist, consideration is required to be given to the medical opinion of the individual's treating oncologist.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1922 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 615.021, Government Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) In a determination of whether the survivor of an individual listed under Section 615.003(10), (11), or (12) is eligible for the payment of assistance under this chapter, the opinion of the individual's employer on whether the individual's death resulted from a personal injury sustained in the line of duty may not be considered.

(d-2) In a determination on the payment of assistance under Subsection (d) to a survivor of an individual listed under Section 615.003(10), (11), or (12) who died as a result of an illness sustained in the line of duty, any reasonable doubt arising from the circumstances of the individual's death shall be resolved in favor of payment if scientific evidence is presented that establishes:

(1) the incidence rate for the individual's illness is statistically significantly higher among persons performing the same job duties as the individual compared to the incidence rate of the illness for the general population; or

(2) a causal link between the individual's illness and a hazardous condition encountered by the individual in performing the individual's job duties.

(d-3) If an individual listed under Section 615.003(10), (11), or (12) died as a result of a newly discovered or rare illness for which the scientific evidence described in Subsection (d-2) does not exist, deference shall be given to the medical opinion of the individual's treating physician to resolve in favor of the payment of assistance under Subsection (d) any reasonable doubt regarding the circumstances of the individual's death as a result of an illness sustained in the line of duty.

SECTION 2. The changes in law made by this Act apply only to a claim for benefits or compensation brought on or after the effective date of this Act. A claim for

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 615.021, Government Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) In a determination of whether the survivor of an individual listed under Section 615.003(10), (11), or (12) is eligible for the payment of assistance under this chapter, the opinion of the individual's employer on whether the individual's death resulted from an illness caused by line-of-duty work may not be considered.

(d-2) In a determination on the payment of assistance under Subsection (d) to a survivor of an individual listed under Section 615.003(10), (11), or (12) who died as a result of an illness caused by line-of-duty work, consideration shall be given to scientific evidence that establishes:

(1) an incidence rate for the individual's illness that is statistically significantly higher among persons performing the same job duties as the individual compared to the incidence rate of the illness for the general population; or

(2) a causal link between the individual's illness and a hazardous condition encountered by the individual in performing the individual's job duties.

(d-3) If an individual listed under Section 615.003(10), (11), or (12) died as a result of a newly discovered or rare cancer for which the scientific evidence described in Subsection (d-2) does not exist, consideration shall be given to the medical opinion of the individual's treating oncologist.

SECTION 2. Same as introduced version.

benefits or compensation brought before that date is covered by the law in effect on the date the claim was brought, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.