

SUBJECT: Professional hockey players workers' compensation benefits

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 9 ayes — Brimer, Brady, Corte, Crabb, Eiland, Giddings, Janek, Rhodes, Solomons
0 nays

SENATE VOTE: On final passage, March 20 — 29-0

WITNESSES: For — Tom Forbes, Houston Aeros Hockey Team
Against — None

BACKGROUND: The workers' compensation statute (Labor Code, sec. 406.095) prohibits professional athletes employed under contract or collective bargaining agreement from receiving workers compensation benefits and contract benefits if the contract benefits are equal to or greater than the benefits provided under state statute.

Professional athletes covered by such a contract who are injured are required to elect to receive either the contract benefits or workers' compensation benefits within 15 days of an injury.

DIGEST: CSSB 885 would add to the definition of professional athlete persons employed as professional athletes by the National Hockey League and the International Hockey League.

The bill would take effect September 1, 1995, and would apply to workers' compensation claims on or after that date.

SUPPORTERS SAY: CSSB 885 would apply the same workers' compensation provisions to professional hockey players that currently apply to professional football, baseball and basketball players.

In 1991 the Legislature enacted sec. 406.095 to give professional sports teams relief from high workers' compensation premiums while at the same

time ensuring that professional players receive equivalent or better benefits for injuries. The provision gives professional players a choice in deciding how they would be compensated for injuries and medical services. Hockey players were not included in the original enactment of this section because in 1991 no professional hockey teams existed in Texas. Now Texas has two teams: the Houston Aeros (in the International Hockey League) and the Dallas Stars (in the National Hockey League).

Major league athletes differ from most other employees in that they often can demand large salaries that are paid even when they are injured. In order to qualify under this provision, a player's contract would have to have benefits equal to or better than state requirements, so professional players would be compensated for long-term or career-ending injuries to the same extent or better than other employees in Texas.

**OPPONENTS
SAY:**

CSSB 885 would continue to grant special privileges to owners of professional sports teams that are not provided for other large employers who pay into the workers' compensation fund despite the fact that their employees have contractual or collective bargaining agreements that provide equal or greater benefits. Most professional athletes do not have long-term, guaranteed contracts that will compensate salary and other costs for a career-ending injury.

CSSB 885 would also be setting precedent for other professional sports teams, such as soccer teams, volleyball teams and anything else that becomes a professional sports pastime.

NOTES:

The committee substitute added the National Hockey League to the list of professional athlete employers.