

BILL ANALYSIS

Senate Research Center
76R10130 BDH-D

C.S.S.B. 525
By: Luna
Veterans Affairs
3/23/1999
Committee Report (Substituted)

DIGEST

In 1998, an unprecedented 6,226 Texas National Guard (soldier) members served Texas in a variety of emergencies ranging from wild fires to floods, at a cost of \$3.23 million. During that year, it was discovered that soldiers are at risk in terms of disability benefits, job protection, and further, that they are not adequately compensated for their services according to the adjutant general. For example, a soldier who becomes permanently blinded during state active duty status will receive \$923.42 less in benefits per month than a soldier who was on federal active duty status at the time of the accident. C.S.S.B. 525 would expand disability and surviving dependents' compensation, and protect reemployment rights of state military forces while they are called to training.

PURPOSE

As proposed, C.S.S.B. 525 protects reemployment rights and expands compensation for members of the Texas military forces and their dependants.

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 Section 431.006, Government Code, as follows:

Sec. 431.006. New heading: REEMPLOYMENT OF PERSON CALLED TO TRAINING OR DUTY. Prohibits the employment termination of a member of the state military forces (soldier) because the soldier is ordered to authorized training, rather than active duty. Prohibits the soldier from being subjected to loss of time, efficiency rating, vacation time, or any employment benefit during or because of being absent. Deletes the provision that a soldier can only be ordered to duty during an emergency. Makes conforming changes.

SECTION 2. Amends Section 431.082(c), Government Code, to entitle a soldier to receive pay and allowances for training or other duty. Makes conforming changes.

SECTION 3. Amends Section 431.104, Government Code, to provide that a soldier is entitled to compensation under Chapter 501, Labor Code, rather than based on a pay percentage calculation. Deletes a prohibition regarding the amount of compensation to which a soldier is entitled. Authorizes the board of officers to award compensation in addition to other compensation. Authorizes the adjutant general to use public funds to purchase insurance from a Texas business. Makes conforming changes.

SECTION 4. Amends Section 431.105, Government Code, by amending Subsection (d) and adding Subsection (e), to entitle the person's surviving dependent parents to certain compensation, and sets forth the compensation amounts and percentages. Redesignates existing Subsection (d) as Subsection (e).

SECTION 5. Amends Section 501.001(5), Labor Code, to redefine "employee."

SECTION 6. Amends Section 501.024, Labor Code, to delete text regarding the exclusion of soldiers from coverage, and makes conforming changes.

SECTION 7. Effective date: September 1, 1999. Provides that only injuries and deaths subsequent to August 15, 1998 are applicable to changes in this Act.

SECTION 8. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 3.

Amends Section 431.104, Government Code, to provide that a person receives compensation under Chapter 501, Labor Code, rather than a certain percentage calculation, and expands the adjutant general's authority. Deletes a list of disability ratings and corresponding monthly entitlements. Redesignates Subsection (c) to Subsection (b).

SECTION 5.

Amends Section 501.001(5), Labor Code, to redefine "employee."

SECTION 6.

Amends Section 501.024, Labor Code, to delete text regarding the exclusion of soldiers from coverage, and makes conforming changes.

SECTION 7.

Effective date: September 1, 1999.

Provides that only injuries and deaths subsequent to August 15, 1998 are applicable to changes in this Act.

SECTION 8.

Emergency clause.