

AN ACT

relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley and authorizing the creation of a Texas Task Force 2 by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter D, Chapter 88, Education Code, is amended to read as follows:

SUBCHAPTER D. TEXAS TASK FORCE [~~1~~]

SECTION 2. Section 88.301(2), Education Code, is amended to read as follows:

(2) "Member" means an individual, other than an employee of The Texas A&M University System, who has been officially designated as a member of a task force established under this subchapter [~~Texas Task Force 1~~].

SECTION 3. Subchapter D, Chapter 88, Education Code, is amended by adding Section 88.3025 and amending Section 88.303 to read as follows:

Sec. 88.3025. TEXAS TASK FORCE 1 TYPE 3 RIO GRANDE VALLEY.

(a) The board shall establish Texas Task Force 1 Type 3 Rio Grande Valley as a program of the Texas A&M Engineering Extension Service.

(b) The training and assistance capabilities of Texas Task Force 1 Type 3 Rio Grande Valley must be substantially equivalent to the training and assistance capabilities of the Texas Task Force 1 program described in Section 88.302.

1 (c) The headquarters of Texas Task Force 1 Type 3 Rio Grande
2 Valley shall be located in the Rio Grande Valley.

3 (d) Texas Task Force 1 Type 3 Rio Grande Valley is a program
4 of the Texas A&M Engineering Extension Service providing training
5 and responding to assist in search, rescue, and recovery efforts
6 following natural or man-made disasters. The task force's
7 responsibilities include:

- 8 (1) building collapse;
- 9 (2) search and rescue;
- 10 (3) confined space rescue;
- 11 (4) trench rescue;
- 12 (5) high and low angle rescue;
- 13 (6) swift water rescue;
- 14 (7) hazardous materials response;
- 15 (8) public works strike team response;
- 16 (9) heavy transportation extrication;
- 17 (10) wide-area search;
- 18 (11) technical rescue; and
- 19 (12) public safety.

20 (e) The task force will operate, train, respond, and
21 function under Texas Task Force 1.

22 (f) The members of Texas Task Force 1 Type 3 Rio Grande
23 Valley are responsible for any costs and expenses related to the
24 operation, training, and equipment of the task force, including the
25 procurement and maintenance of equipment and supplies.

26 (g) A member of Texas Task Force 1 Type 3 Rio Grande Valley
27 may be reimbursed for the member's expenses incurred while

1 activated and deployed in the same manner as a member of Texas Task
2 Force 1.

3 Sec. 88.303. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)
4 Notwithstanding any other law, during any period in which a task
5 force established under this subchapter [~~Texas Task Force 1~~] is
6 activated by the Texas Division of Emergency Management, or during
7 any training session sponsored or sanctioned by a task force
8 established under this subchapter [~~Texas Task Force 1~~], a
9 participating nongovernment member or local government employee
10 member is included in the coverage provided under Chapter 501,
11 Labor Code, in the same manner as an employee, as defined by Section
12 501.001, Labor Code.

13 (b) Service with a task force established under this
14 subchapter [~~Texas Task Force 1~~] by a state employee member who is
15 activated is considered to be in the course and scope of the
16 employee's regular employment with the state.

17 (c) Service with a task force established under this
18 subchapter [~~Texas Task Force 1~~] by an employee of The Texas A&M
19 University System is considered to be in the course and scope of the
20 employee's regular employment with The Texas A&M University System.

21 (d) Notwithstanding Section 412.0123, Labor Code, as added
22 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
23 1997, the Texas Division of Emergency Management shall reimburse
24 the State Office of Risk Management for the actual medical and
25 indemnity benefits paid on behalf of a covered member of a task
26 force established under this subchapter [~~Texas Task Force 1~~] at the
27 beginning of the next state fiscal year occurring after the date the

1 benefits are paid.

2 SECTION 4. Subchapter C, Chapter 418, Government Code, is
3 amended by adding Section 418.052 to read as follows:

4 Sec. 418.052. STUDY REGARDING THE NEED FOR SEARCH AND
5 RESCUE TASK FORCES. (a) The department shall study the task force
6 established under Section 88.3025, Education Code. The study must
7 include:

8 (1) an assessment of the effectiveness of the task
9 force and any lessons learned from the operation of that task force;

10 (2) the need to establish and operate similar task
11 forces in other regions; and

12 (3) any other matter that the department considers
13 relevant to the topic of the study.

14 (b) The department shall report the results of the study to
15 the legislature on or before the first anniversary of the effective
16 date of House Bill 1090, as enacted by the 83rd Legislature, Regular
17 Session, 2013.

18 (c) This section expires January 1, 2015.

19 SECTION 5. Chapter 418, Government Code, is amended by
20 adding Subchapter I to read as follows:

21 SUBCHAPTER I. TEXAS TASK FORCE 2

22 Sec. 418.201. DEFINITIONS. In this subchapter:

23 (1) "Local government employee member" means a member
24 employed by a local government as defined by Section 102.001, Civil
25 Practice and Remedies Code.

26 (2) "Member" means an individual who has been
27 officially designated as a member of Texas Task Force 2.

1 (3) "Nongovernment member" means a member who is not a
2 state employee member or a local government employee member.

3 (4) "State employee member" means a member employed by
4 an agency of the state.

5 Sec. 418.202. TEXAS TASK FORCE 2. A municipality with a
6 population of more than 1.18 million and located predominantly in a
7 county that has a total area of less than 1,000 square miles may
8 establish a Texas Task Force 2 program that provides training and
9 responds to assist in search, rescue, and recovery efforts
10 following natural or man-made disasters.

11 Sec. 418.203. WORKERS' COMPENSATION INSURANCE COVERAGE.

12 (a) Notwithstanding any other law, during any period in which Texas
13 Task Force 2 is activated by the Texas Division of Emergency
14 Management, or during any training session sponsored or sanctioned
15 by Texas Task Force 2, a participating nongovernment member or
16 local government employee member is included in the coverage
17 provided under Chapter 501, Labor Code, in the same manner as an
18 employee, as defined by Section 501.001, Labor Code.

19 (b) Service with Texas Task Force 2 by a state employee
20 member who is activated is considered to be in the course and scope
21 of the employee's regular employment with the state.

22 (c) Notwithstanding Section 412.0123, Labor Code, as added
23 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
24 1997, the Texas Division of Emergency Management shall reimburse
25 the State Office of Risk Management for the actual medical and
26 indemnity benefits paid on behalf of a covered member of Texas Task
27 Force 2 at the beginning of the next state fiscal year occurring

1 after the date the benefits are paid.

2 Sec. 418.204. LIABILITY. The municipality establishing
3 Texas Task Force 2 or a member or nongovernmental member of Texas
4 Task Force 2 who provides labor or assistance to the Texas Division
5 of Emergency Management is not liable for civil damages, including
6 personal injury, wrongful death, property damages, death, or other
7 loss resulting from any act, error, or omission by the individual in
8 providing that labor or assistance unless the act, error, or
9 omission:

10 (1) proximately caused the loss; and

11 (2) was performed with malice or constitutes gross
12 negligence, recklessness, or intentional misconduct.

13 SECTION 6. Section 501.001(5), Labor Code, is amended to
14 read as follows:

15 (5) "Employee" means a person who is:

16 (A) in the service of the state pursuant to an
17 election, appointment, or express oral or written contract of hire;

18 (B) paid from state funds but whose duties
19 require that the person work and frequently receive supervision in
20 a political subdivision of the state;

21 (C) a peace officer employed by a political
22 subdivision, while the peace officer is exercising authority
23 granted under:

24 (i) Article 2.12, Code of Criminal
25 Procedure; or

26 (ii) Articles 14.03(d) and (g), Code of
27 Criminal Procedure;

1 (D) a member of the state military forces, as
2 defined by Section 431.001, Government Code, who is engaged in
3 authorized training or duty; or

4 (E) a Texas Task Force 1 member, as defined by
5 Section 88.301, Education Code, or a Texas Task Force 2 member, as
6 defined by Section 418.201, Government Code, who is activated by
7 the Texas Division of Emergency Management or is injured during
8 training sponsored or sanctioned by Texas Task Force 1 or Texas Task
9 Force 2, as applicable.

10 SECTION 7. Section 418.204, Government Code, as added by
11 this Act, applies only to an act, error, or omission that occurs on
12 or after the effective date of this Act.

13 SECTION 8. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1090 was passed by the House on April 25, 2013, by the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1090 on May 24, 2013, by the following vote: Yeas 120, Nays 18, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1090 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor