

AN ACT

relating to the operation of Texas Task Force 1.

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

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

SUBCHAPTER D. TEXAS TASK FORCE 1

Sec. 88.301. DEFINITIONS. In this subchapter:

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

(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 Texas Task Force 1.

(3) "Nongovernment member" means a member who is not a state employee member, a local government employee member, or an employee of The Texas A&M University System.

(4) "State employee member" means a member employed by an agency of the state other than a component of The Texas A&M University System.

Sec. 88.302. TEXAS TASK FORCE 1. Texas Task Force 1 is a program of the Texas Engineering Extension Service providing training and responding to assist in search, rescue, and recovery efforts following natural or man-made disasters.

Sec. 88.303. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)

1 Notwithstanding any other law, during any period in which Texas
2 Task Force 1 is activated by the governor's division of emergency
3 management, or during any training session sponsored or sanctioned
4 by Texas Task Force 1, a participating nongovernment member or
5 local government employee member is included in the coverage
6 provided under Chapter 501, Labor Code, in the same manner as an
7 employee, as defined by Section 501.001, Labor Code.

8 (b) Service with Texas Task Force 1 by a state employee
9 member who is activated is considered to be in the course and scope
10 of the employee's regular employment with the state.

11 (c) Service with Texas Task Force 1 by an employee of The
12 Texas A&M University System is considered to be in the course and
13 scope of the employee's regular employment with The Texas A&M
14 University System.

15 (d) Notwithstanding Section 412.0123, Labor Code, as added
16 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
17 1997, the governor's division of emergency management shall
18 reimburse the State Office of Risk Management for the actual
19 medical and indemnity benefits paid on behalf of a covered member of
20 Texas Task Force 1 at the beginning of the next state fiscal year
21 occurring after the date the benefits are paid.

22 SECTION 2. Section 408.0445, Labor Code, is amended to read
23 as follows:

24 Sec. 408.0445. AVERAGE WEEKLY WAGE FOR MEMBERS OF [THE]
25 STATE MILITARY FORCES AND TEXAS TASK FORCE 1. (a) For purposes of
26 computing income benefits or death benefits under Section 431.104,
27 Government Code, the average weekly wage of a member of the state

1 military forces as defined by Section 431.001, Government Code, who
2 is engaged in authorized training or duty is an amount equal to the
3 sum of the member's regular weekly wage at any employment the member
4 holds in addition to serving as a member of the state military
5 forces, disregarding any period during which the member is not
6 fully compensated for that employment because the member is engaged
7 in authorized military training or duty, and the member's regular
8 weekly wage as a member of the state military forces, except that
9 the amount may not exceed 100 percent of the state average weekly
10 wage as determined under Section 408.047.

11 (b) For purposes of computing income benefits or death
12 benefits under Section 88.303, Education Code, the average weekly
13 wage of a Texas Task Force 1 member, as defined by Section 88.301,
14 Education Code, who is engaged in authorized training or duty is an
15 amount equal to the sum of the member's regular weekly wage at any
16 employment, including self-employment, that the member holds in
17 addition to serving as a member of Texas Task Force 1, except that
18 the amount may not exceed 100 percent of the state average weekly
19 wage as determined under Section 408.047. A member for whom an
20 average weekly wage cannot be computed shall be paid the minimum
21 weekly benefit established by the commission.

22 SECTION 3. Section 501.001(5), Labor Code, is amended to
23 read as follows:

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

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

27 (B) paid from state funds but whose duties

1 require that the person work and frequently receive supervision in
2 a political subdivision of the state;

3 (C) a peace officer employed by a political
4 subdivision, while the peace officer is exercising authority
5 granted under:

6 (i) Article 12, Code of Criminal Procedure;
7 or

8 (ii) Articles 14.03(d) and (g), Code of
9 Criminal Procedure; [~~or~~]

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

13 (E) a Texas Task Force 1 member, as defined by
14 Section 88.301, Education Code, who is activated by the governor's
15 division of emergency management or is injured during any training
16 session sponsored or sanctioned by Texas Task Force 1.

17 SECTION 4. Section 501.002, Labor Code, is amended by
18 adding Subsection (f) to read as follows:

19 (f) For purposes of this chapter and Subchapter D, Chapter
20 88, Education Code, the Texas Engineering Extension Service of The
21 Texas A&M University System shall perform all duties of an employer
22 in relation to a Texas Task Force 1 member who is injured and
23 receives benefits under this chapter.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2003.

David Newhunt

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 2116 was passed by the House on April 10, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2116 on May 23, 2003, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2116 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

Letsy Shaw

Secretary of the Senate

APPROVED: 20 JUN 103

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 PM O'CLOCK

Ann Shea
JUN 20 2003
Secretary of State