

BILL ANALYSIS

H.B. 2116
By: Brown, Fred
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas Task Force 1 is the state's search and rescue response team designed to provide a coordinated response to state and national disasters including natural disasters (hurricanes, earthquakes, tornadoes, flooding) and man-made technological and terrorist events. The team is comprised of personnel from various local public safety agencies as well as from the private sector. All task force members are highly trained in search and rescue skill areas.

At present there is no mechanism to provide workers' compensation, long term disability, and other benefits for non-state-employed members of Texas Task Force 1 while on state-activated deployments or training. In the event participants are injured or killed during state-activated deployments, no coverage exists for those personnel who are not State employees. If the task force is activated by the Federal Emergency Management Agency (FEMA), all members are covered for the purpose of workers' compensation, disability coverage and other benefits by the federal government. The bill would provide appropriate coverage for non-state-employed task force members while assigned as a state resource either by activation by the governor's office or during team training activities.

The current system of staffing the Task Force utilizing trained personnel from local and private entities is the most cost-effective system.

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

SECTION 1. Amends Chapter 88, Education Code, by adding Subchapter D, as follows:

SUBCHAPTER D. TEXAS TASK FORCE 1

Sec. 88.301. Defines "local government employee member," "member," "nongovernment member," and "state employee member," for purposes of this Act.

Sec. 88.302. Provides that Texas Task Force 1 is a program of the Texas Engineering Extension Service that provides training and response to assist in disaster search, rescue and recovery efforts.

Sec. 88.303(a). Provides that during any period in which Texas Task Force 1 is activated by the governor's division of emergency management, or during any training session sponsored or sanctioned by Task Force 1, a participating nongovernment member or local government employee member is included in the coverage provided under Chapter 501, Labor Code, in the same manner as an employee, as defined by Section 501.001, Labor Code.

(b) Provides that an active state employee member of Texas Task Force 1 is considered to be in the normal course and scope of their regular employment with the state.

(c) Provides that a Texas A&M employee who serves with Texas Taskforce 1 is considered to be in the normal course and scope of their regular employment with The Texas A&M University System.

SECTION 2. Provides that upon receiving a two-thirds vote of both houses, this Act takes immediate effect or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

EFFECTIVE DATE

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, 2003.