

Amend HB 1090 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 418, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXAS TASK FORCE 2.

Sec. 418.201. 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 who has been officially designated as a member of Texas Task Force 2.

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

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

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

Sec. 418.203. WORKERS' COMPENSATION INSURANCE COVERAGE.

(a) Notwithstanding any other law, during any period in which Texas Task Force 2 is activated by the Texas Division of Emergency Management, or during any training session sponsored or sanctioned by Texas Task Force 2, 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) Service with Texas Task Force 2 by a state employee member who is activated is considered to be in the course and scope of the employee's regular employment with the state.

(c) Notwithstanding Section 412.0123, Labor Code, as added by Chapter 1098, Acts of the 75th Legislature, Regular Session, 1997, the Texas Division of Emergency Management shall reimburse the State Office of Risk Management for the actual medical and

indemnity benefits paid on behalf of a covered member of Texas Task Force 2 at the beginning of the next state fiscal year occurring after the date the benefits are paid.

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

(1) proximately caused the loss; and

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

SECTION \_\_\_\_\_. Section 501.001(5), Labor Code, is amended to read as follows:

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

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

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

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

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

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

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

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

Force 2, as applicable.

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