

SENATE AMENDMENTS

2nd Printing

By: Martinez, Lucio III, Canales

H.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.

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.

(c) The headquarters of Texas Task Force 1 Type 3 Rio Grande

1 Valley shall be located in the Rio Grande Valley.

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

7 (1) building collapse;

8 (2) search and rescue;

9 (3) confined space rescue;

10 (4) trench rescue;

11 (5) high and low angle rescue;

12 (6) swift water rescue;

13 (7) hazardous materials response;

14 (8) public works strike team response;

15 (9) heavy transportation extrication;

16 (10) wide-area search;

17 (11) technical rescue; and

18 (12) public safety.

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

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

25 (g) A member of Texas Task Force 1 Type 3 Rio Grande Valley
26 may be reimbursed for the member's expenses incurred while
27 activated and deployed in the same manner as a member of Texas Task

1 Force 1.

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2013.

ADOPTED

FLOOR AMENDMENT NO. / MAY 22 2013

BY: Carmon

Antony Sewell
Secretary of the Senate

1 Amend H.B. No. 1090 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

6 SUBCHAPTER I. TEXAS TASK FORCE 2.

7 Sec. 418.201. DEFINITIONS. In this subchapter:

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

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

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

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

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

23 Sec. 418.203. WORKERS' COMPENSATION INSURANCE COVERAGE.

24 (a) Notwithstanding any other law, during any period in
25 which Texas Task Force 2 is activated by the Texas Division of
26 Emergency Management, or during any training session sponsored
27 or sanctioned by Texas Task Force 2, a participating
28 nongovernment member or local government employee member is
29 included in the coverage provided under Chapter 501, Labor Code,

1 in the same manner as an employee, as defined by Section
2 501.001, Labor Code.

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

6 (c) Notwithstanding Section 412.0123, Labor Code, as added
7 by Chapter 1098, Acts of the 75th Legislature, Regular Session,
8 1997, the Texas Division of Emergency Management shall reimburse
9 the State Office of Risk Management for the actual medical and
10 indemnity benefits paid on behalf of a covered member of Texas
11 Task Force 2 at the beginning of the next state fiscal year
12 occurring after the date the benefits are paid.

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

21 (1) proximately caused the loss; and

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

24 SECTION __. Section 501.001(5), Labor Code, is amended to
25 read as follows:

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

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

30 (B) paid from state funds but whose duties
31 require that the person work and frequently receive supervision

1 in a political subdivision of the state;

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1090 by Martinez, "Mando" (Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill allows for the creation of a Texas Task Force 2 (Task Force 2) in 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. During training or activation by the Texas Division of Emergency Management (TDEM) of Task Force 2, a member is considered to be covered in the same manner as an employee defined in Section 501.001 of the Labor Code for workers' compensation insurance coverage. The bill requires TDEM to reimburse the State Office of Risk Management (SORM) for any benefits paid on behalf of a covered member of Task Force 2. SORM anticipates it could accomplish the processing of benefits paid with current resources.

The bill also establishes Texas Task Force 1 Type 3 (Task Force) Rio Grande Valley which would be a new search and rescue team operated by the Texas A&M Engineering Extension Service (TEEX). The training and assistance capabilities must be substantially equivalent to the training and assistance capabilities of Texas Task Force 1. The new Task Force headquarters would be located in the Rio Grande Valley and its members would be responsible for any costs and expenses related to the operation, training, and equipment of the Task Force. Its members would be mostly composed of fire fighters from fire departments in various municipalities. TEEX anticipates any costs associated with the establishment of the new Task Force could be absorbed within existing resources.

The bill requires the Department of Public Safety (DPS) to study the Task Force established by the bill. DPS shall report the results of the study to the legislature on or before the first anniversary of the effective date of this bill. It is anticipated that DPS could implement the study with current resources. The bill would also require TDEM to pay for any workers' compensation benefits paid by SORM for Texas Task Force 2. It is assumed the costs, if any, associated with paying these claims could be absorbed within existing resources.

The bill 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, 2013.

Local Government Impact

It is assumed that any costs to establish a Texas Task Force 2 would be covered by the municipality creating the Texas Task Force 2.

Based on information provided by Texas A&M System, it is anticipated that members of the Texas Task Force 1 Type 3 (Task Force) would use the equipment from their respective local fire departments and any costs for the equipment would be covered by the local fire departments. TEEEX estimates that the training costs would total \$200,000 per year and anticipates that the local fire departments that employ the members of the Task Force would cover the costs of the training.

Source Agencies: 405 Department of Public Safety, 454 Department of Insurance, 479 State Office of Risk Management, 716 Texas A&M Engineering Extension Service, 710 Texas A&M University System Administrative and General Offices

LBB Staff: UP, SZ, SK, DE, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Craig Estes, Chair, Senate Committee on Agriculture, Rural Affairs & Homeland Security

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1090 by Martinez, "Mando" (Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The provisions of the bill establish Texas Task Force 1 Type 3 (Task Force) Rio Grande Valley which would be a new search and rescue team operated by the Texas A&M Engineering Extension Service (TEEX). The training and assistance capabilities must be substantially equivalent to the training and assistance capabilities of Texas Task Force 1. The new Task Force headquarters would be located in the Rio Grande Valley and its members would be responsible for any costs and expenses related to the operation, training, and equipment of the Task Force. Its members would be mostly composed of fire fighters from fire departments in various municipalities.

The bill also requires the Department of Public Safety (DPS) to study the Task Force established by the bill. DPS shall report the results of the study to the legislature on or before the first anniversary of the effective date of this bill. It is anticipated that DPS could implement the study with current resources.

TEEX anticipates any costs at TEEX associated with the provisions of the bill would be covered with current resources.

The bill 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, 2013.

Local Government Impact

Based on information provided by Texas A&M System, it is anticipated that members of the Task Force would use the equipment from their respective local fire departments and any costs for the equipment would be covered by the local fire departments. TEEX estimates that the training costs would total \$200,000 per year and anticipates that the local fire departments that employ the members of the Task Force would cover the costs of the training.

Source Agencies: 710 Texas A&M University System Administrative and General Offices,
716 Texas A&M Engineering Extension Service

LBB Staff: UP, SZ, SK, DE, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 22, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1090 by Martinez, "Mando" (relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The provisions of the bill establish Texas Task Force 1 Type 3 (Task Force) Rio Grande Valley which would be a new search and rescue team operated by the Texas A&M Engineering Extension Service (TEEX). The training and assistance capabilities must be substantially equivalent to the training and assistance capabilities of Texas Task Force 1. The new Task Force headquarters would be located in the Rio Grande Valley and its members would be responsible for any costs and expenses related to the operation, training, and equipment of the Task Force. Its members would be mostly composed of fire fighters from fire departments in various municipalities.

TEEX anticipates any costs at TEEX associated with the provisions of the bill would be covered with current resources.

The bill 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, 2013.

Local Government Impact

Based on information provided by Texas A&M System, it is anticipated that members of the Task Force would use the equipment from their respective local fire departments and any costs for the equipment would be covered by the local fire departments. TEEX estimates that the training costs would total \$200,000 per year and anticipates that the local fire departments that employ the members of the Task Force would cover the costs of the training.

Source Agencies: 710 Texas A&M University System Administrative and General Offices,
716 Texas A&M Engineering Extension Service

LBB Staff: UP, ESi, SK, DE

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 6, 2013

TO: Honorable Joseph Pickett, Chair, House Committee On Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1090 by Martinez, "Mando" (Relating to the creation of Texas Task Force 1 Type 3 Rio Grande Valley.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1090, As Introduced: a negative impact of (\$3,876,907) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$3,181,907)
2015	(\$695,000)
2016	(\$713,998)
2017	(\$713,998)
2018	(\$713,998)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2013
2014	(\$3,181,907)	7.0
2015	(\$695,000)	7.0
2016	(\$713,998)	7.0
2017	(\$713,998)	7.0
2018	(\$713,998)	7.0

Fiscal Analysis

The provisions of the bill establish Texas Task Force 1 Type 3 Rio Grande Valley which would be a new search and rescue team operated by the Texas A&M Engineering Extension Service (TEEX).

The training and assistance capabilities must be substantially equivalent to the training and assistance capabilities of Texas Task Force 1. The new Task Force headquarters would be located in the Rio Grande Valley.

Methodology

TEEX estimates that it would need 7 Full-time Equivalents (FTE) for the new Task Force located in the Rio Grande Valley. It would include a project coordinator (1 FTE), training coordinator (1 FTE), business coordinator (1 FTE), and four logistics specialists (4 FTEs) each fiscal year. The anticipated salary and benefit costs for the 7 FTEs total \$600,000 for the 2014-15 biennium. TEEX also estimates \$687,407 in other operating costs including travel and \$200,000 in rent costs for the 2014-15 biennium. In addition, it estimates the need for a one-time purchase of equipment of \$2,314,500 in fiscal year 2014 and \$75,000 in equipment purchases each year thereafter.

The bill 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, 2013.

Technology

The Texas A&M Engineering Extension Service anticipates a \$32,550 cost for the 2014-15 biennium for technology equipment.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices,
716 Texas A&M Engineering Extension Service

LBB Staff: UP, ESi, SK, DE