

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2116
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Infrastructure Development and Security
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, 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. 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 and man-made technological and terrorist events. In the event participants are injured or killed during state-activated deployments, no coverage exists for those personnel who are not state employees. C.S.H.B. 2116 provides 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER D. TEXAS TASK FORCE 1

Sec. 88.301. DEFINITIONS. Defines "local government employee member," "member," "nongovernment member," and "state employee member."

Sec. 88.302. TEXAS TASK FORCE 1. Provides that the 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) Provides that, notwithstanding any other law, 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 Texas 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 service with Texas Task Force 1 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) Provides that service with Texas Task Force 1 by an employee of The Texas A&M University System is considered to be in the course and scope of the employee's regular employment with The Texas A&M University System.

(d) Requires the governor's division of emergency management to reimburse the State Office of Risk Management for the actual medical and indemnity benefits paid on behalf of a covered member of the Texas Task Force 1 at the beginning of the next fiscal year occurring after the date the benefits are paid, notwithstanding

Section 412.0123 (Allocation of Worker's Compensation and Risk Management Costs), Labor Code, as added by Chapter 1098, Acts of the 75th Legislature, Regular Session, 1997.

SECTION 2. Amends Section 408.0445, Labor Code, as follows:

Sec. 408.0445. New heading: AVERAGE WEEKLY WAGE FOR MEMBERS OF STATE MILITARY FORCES AND TEXAS TASK FORCE 1. (a) Created from existing text.

(b) Provides that, for purposes of computing income benefits or death benefits under Section 88.303, Education Code, the average weekly wage of a Texas Task Force 1 member, as defined by Section 88.301, Education Code, who is engaged in authorized training or duty is an amount equal to the sum of the member's regular weekly wage at any employment, including self-employment, that the member holds in addition to serving as a member of Texas Task Force 1, except that the amount may not exceed 100 percent of the state average weekly wage as determined under Section 408.047. Requires a member for whom an average weekly wage cannot be computed to be paid the minimum weekly benefit established by the Texas Workers' Compensation Commission.

SECTION 3. Amends Section 501.001(5), Labor Code, to redefine "employee."

SECTION 4. Amends Section 501.002, Labor Code, by adding Subsection (f), to require the Texas Engineering Extension Service of The Texas A&M University System to perform all duties of an employer in relation to a Texas Task Force 1 member who is injured and receives benefits under this chapter, for purposes of this chapter and Subchapter D, Chapter 88, Education Code.

SECTION 5. Effective date: upon passage or September 1, 2003.