

1-1 By: Patterson, et al. (Senate Sponsor - Schwertner) H.B. No. 471
 1-2 (In the Senate - Received from the House April 5, 2023;
 1-3 April 12, 2023, read first time and referred to Committee on
 1-4 Business & Commerce; May 17, 2023, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 9,
 1-6 Nays 0; May 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 471 By: Schwertner

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the entitlement to and claims for benefits for certain
 1-24 first responders and other employees related to illness and injury.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle C, Title 5, Local Government Code, is
 1-27 amended by adding Chapter 177A to read as follows:

1-28 CHAPTER 177A. ILLNESS OR INJURY LEAVE OF ABSENCE FOR FIREFIGHTERS,
 1-29 POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL OF
 1-30 POLITICAL SUBDIVISION

1-31 Sec. 177A.001. DEFINITIONS. In this chapter:

1-32 (1) "Emergency medical services personnel" means a
 1-33 person described by Section 773.003, Health and Safety Code, who is
 1-34 a paid employee of a political subdivision.

1-35 (2) "Firefighter" means a firefighter who is a
 1-36 permanent, paid employee of the fire department of a political
 1-37 subdivision. The term includes the chief of the department. The
 1-38 term does not include a volunteer firefighter.

1-39 (3) "Police officer" means a paid employee who is
 1-40 full-time, holds an officer license issued under Chapter 1701,
 1-41 Occupations Code, and regularly serves in a professional law
 1-42 enforcement capacity in the police department of a political
 1-43 subdivision. The term includes the chief of the department.

1-44 Sec. 177A.002. EFFECT ON LABOR AGREEMENTS. Notwithstanding
 1-45 any other law, including Section 142.067, 142.117, 143.207,
 1-46 143.307, 143.361, 147.004, or 174.005, a collective bargaining,
 1-47 meet and confer, or other similar agreement that provides a benefit
 1-48 for an ill or injured employee must provide a benefit that, at a
 1-49 minimum, complies with this chapter.

1-50 Sec. 177A.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF
 1-51 ABSENCE. A political subdivision shall provide to a firefighter,
 1-52 police officer, or emergency medical services personnel a leave of
 1-53 absence for an illness or injury related to the person's line of
 1-54 duty. The leave is with full pay for a period commensurate with the
 1-55 nature of the line of duty illness or injury. If necessary, the
 1-56 political subdivision shall continue the leave for at least one
 1-57 year.

1-58 Sec. 177A.004. RETURN TO DUTY. (a) If able, a firefighter,
 1-59 police officer, or emergency medical services personnel may return
 1-60 to light duty while recovering from a temporary disability. If

2-1 medically necessary, the light duty assignment may continue for at
2-2 least one year.

2-3 (b) After recovery from a temporary disability, a
2-4 firefighter, police officer, or emergency medical services
2-5 personnel shall be reinstated at the same rank and with the same
2-6 seniority the person had before going on temporary leave, provided
2-7 that the person can perform the essential functions of the job with
2-8 or without reasonable accommodation.

2-9 SECTION 2. Section 504.051(a), Labor Code, is amended to
2-10 read as follows:

2-11 (a) Benefits provided under this chapter shall be offset:

2-12 (1) to the extent applicable, by any amount for
2-13 incapacity received as provided by:

2-14 (A) Chapter 143 or 177A, Local Government Code;
2-15 or

2-16 (B) any other statute in effect on June 19, 1975,
2-17 that provides for the payment for incapacity to work because of
2-18 injury on the job that is also covered by this chapter; and

2-19 (2) by any amount paid under Article III, Section 52e,
2-20 of the Texas Constitution, as added in 1967.

2-21 SECTION 3. Section 177A.002, Local Government Code, as
2-22 added by this Act, applies only to a collective bargaining, meet and
2-23 confer, or other similar agreement entered into on or after the
2-24 effective date of this Act.

2-25 SECTION 4. Section 504.051(a), Labor Code, as amended by
2-26 this Act, applies only to a claim for workers' compensation
2-27 benefits filed on or after the effective date of this Act. A claim
2-28 filed before that date is governed by the law as it existed on the
2-29 date the claim was filed, and the former law is continued in effect
2-30 for that purpose.

2-31 SECTION 5. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2023.

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