

Texas Legislature: A Quick Pool-Related Update

With only weeks remaining in the regular Texas legislative session, few of the 7,000 filed bills will make it to the governor's desk. Here's a quick look at bills of interest to Pool members that are moving through the process:

Disease Presumption: Since the pandemic began, the Pool has treated first-responder COVID-19 claims as presumption claims under the workers' compensation law. [S.B. 22 \(Springer\)](#) would require that such claims be treated as such. That bill has passed the House in a different form than it passed the Senate, which means it goes back to the Senate to concur in House changes or seek the appointment of a conference committee of both chambers to work out differences. A related bill, [H.B. 2242 \(Patterson\)](#), would require a city to pay a police officer or firefighter for leave taken due to a disease contracted while on duty, with some exceptions. That bill has been referred to a Senate committee, with not much time to get it to the Senate floor.

Employment Law: The legislature passed [Senate Bill 45 \(Zaffirini/Zwiener\)](#), which provides that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors: (1) know or should have known that the conduct constituting sexual harassment was occurring; and (2) fail to take immediate and appropriate corrective action. The bill now heads to the governor's desk. [H.B. 1804 \(Meyer\)](#) would prohibit a political subdivision from using public money to settle or otherwise pay a sexual harassment claim made against a person who is: (1) an elected or appointed member of the governing body of the political subdivision; or (2) an officer or employee of the political subdivision. It has passed the House and been received in the Senate. Finally, [H.B. 3120 \(Capriglione\)](#) relates to the eligibility of an injured employee for lifetime workers' compensation benefits by, among other things, adding "a serious bodily injury sustained by a paid or volunteer first responder that permanently prevents that first responder from performing any gainful work."

State Legislature Police Reform ("Defunding"): Since the last newsletter, Congress hasn't taken additional federal action on qualified immunity or similar law enforcement reform. At the Texas Legislature, efforts to prohibit a city from reducing its police budget year-over-year continue. [H.B. 1900 \(Goldman\)](#) passed the House and is set for a Senate committee hearing on May 20. That bill would penalize a city that reduces its police budget, with exceptions.

Disaster Orders: [H.B.3 \(Burrows\)](#), known as the "Texas Pandemic Response Act," would clarify the division of state and local powers during a pandemic. The bill had been stalled, but it has picked up steam in the last days of session. It would, among many other things, create a state Pandemic Disaster Legislative Oversight Committee. The 16-member legislative committee would – when the legislature is not in session – have the authority to review and terminate a disaster declaration issued by the governor. The bill would also: (1) create new disaster statutes specifically for pandemics and separate from the current Disaster Act; (2) provide that a business or entity isn't generally liable for exposure to a virus, with exceptions; and (3) provide that any city order: (a) is superseded by an order issued by the governor or the Department of State Health Services, and is also superseded by an order issued by the county judge. The bill passed the House and is set for a Senate committee hearing on May 20.