

AN ACT

relating to military leave and military leave time accounts for certain municipal fire fighters and police officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 143.072, Local Government Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

(a) On written application of a fire fighter or police officer, the commission shall grant the person a military leave of absence without pay, subject to Section 143.075, to enable the person to enter a branch of the United States military service. The leave of absence may not exceed the period of compulsory military service or the basic minimum enlistment period for the branch of service the fire fighter or police officer enters.

(g) If a fire fighter or police officer employed by a municipality is called to active military duty for any period, the employing municipality must continue to maintain any health, dental, or life insurance coverage and any health or dental benefits coverage that the fire fighter or police officer received through the municipality on the date the fire fighter or police officer was called to active military duty until the municipality receives written instructions from the fire fighter or police officer to change or discontinue the coverage.

(h) In addition to other procedures prescribed by this

1 section, a fire fighter or police officer may, without restriction
2 as to the amount of time, voluntarily substitute for a fire fighter
3 or police officer described by Sections 143.075(b)(1) and (2) who
4 has been called to active federal military duty for a period
5 expected to last 12 months or longer. A fire fighter or police
6 officer who voluntarily substitutes under this subsection must be
7 qualified to perform the duties of the absent fire fighter or police
8 officer.

9 SECTION 2. Subchapter E, Chapter 143, Local Government
10 Code, is amended by adding Section 143.075 to read as follows:

11 Sec. 143.075. MILITARY LEAVE TIME ACCOUNTS. (a) A
12 municipality shall maintain military leave time accounts for the
13 fire and police departments and must maintain a separate military
14 leave time account for each department.

15 (b) A military leave time account shall benefit a fire
16 fighter or police officer who:

17 (1) is a member of the Texas National Guard or the
18 armed forces reserves of the United States;

19 (2) was called to active federal military duty while
20 serving as a fire fighter or police officer for the municipality;

21 (3) has served on active duty for a period of 12
22 continuous months or longer; and

23 (4) has exhausted the balance of the person's
24 vacation, holiday, and compensatory leave time accumulations.

25 (c) A fire fighter or police officer may donate any amount
26 of accumulated vacation, holiday, sick, or compensatory leave time
27 to the military leave time account in that fire fighter's or police

1 officer's department to help provide salary continuation for fire
2 fighters or police officers who qualify as eligible beneficiaries
3 of the account under Subsection (b). A fire fighter or police
4 officer who wishes to donate time to an account under this section
5 must authorize the donation in writing on a form provided by the
6 fire or police department and approved by the municipality.

7 (d) A municipality shall equally distribute the leave time
8 donated to a military leave time account among all fire fighters or
9 police officers who are eligible beneficiaries of that account.
10 The municipality shall credit and debit the applicable military
11 leave time account on an hourly basis regardless of the cash value
12 of the time donated or used.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.

David Dewhurst

President of the Senate

Jim Cudde

Speaker of the House

I certify that H.B. No. 2400 was passed by the House on May 2, 2003, by the following vote: Yeas 126, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2400 on May 30, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2400 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patricia Saw

Secretary of the Senate

APPROVED: 18 June '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:32 pm O'CLOCK

Ann Shea
JUN 18 2003
Secretary of State