

SUBJECT: Revising rules allowing injured police officers to draw pension

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 8 ayes — Carter, Bailey, Burnam, Callegari, Edwards, Hill, E. Jones, Najera
0 nays
1 absent — Ehrhardt

WITNESSES: For — Chris Jones, Combined Law Enforcement Associations of Texas; *Registered, but did not testify:* Ken Bailey and Guy Turner, Texas State Association of Fire Fighters; John Kerr, Fort Worth Police Officers' Association; Keith Oakley, Texas Municipal Police Association

Against — None

BACKGROUND: Local Government Code, sec. 143.073 requires a city to grant a leave of absence with full pay to a fire fighter or police officer for an illness or injury related to the person's line of duty. After one year, the city's governing body may reduce the amount of pay or end it entirely. If the employee's salary is reduced below 60 percent of the person's regular monthly salary and the municipality has a fire fighter's or police officer's pension fund, the person may retire on pension until able to return to duty.

DIGEST: CSHB 3603 would specify that a fire fighter or police officer whose leave due to an illness or injury related to the person's line of duty was not extended past the first year could retire on pension until able to return to duty. To retire on pension, the person would have to be a member of a pension fund.

The bill would take effect September 1, 2001, and would apply to a leave of absence that began or was in progress on or after that date.

SUPPORTERS SAY: CSHB 3603 would guarantee that police officers and fire fighters who were injured or become ill due to causes related to their line of duty could retire on pension until able to return to duty. Because of the way the current statute

is worded, a police officer or fire fighter who is injured due to causes related to the line of duty and whose pay is reduced after the first year of leave may retire on pension only if the city has a fire fighter's or police officer's relief or retirement fund. Few cities today, however, maintain pension funds for their police and fire fighter employees separate from those for other city employees; most have a single pension fund for all city employees.

CSHB 3603 would update the statute to clarify that a police officer or fire fighter who was injured or became ill due to causes related to the line of duty could retire on any pension fund of which the employee was a member until able to return to duty. The bill also would clarify that a police officer or fire fighter whose pay was cut off entirely also could retire on pension. The state owes it to these workers, who risk their lives to protect Texas citizens, to ensure that the law clearly covers them when their work results in long-term injury or illness.

The bill would not have a significant impact on state or city pension systems. The Texas Municipal Retirement System, of which most small cities are members, has indicated that the bill would not have an effect on the system or on those cities. Large cities often have their own pension systems, but these systems are large enough to absorb the cost of the small number of city employees that would be affected.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute added a provision that would allow a police officer or fire fighter who had retired on pension because of an injury or illness due to causes related to the line of duty to return to duty upon certification by a physician selected by the pension fund, rather than by a fire fighter's or police officer's relief or retirement fund, that the person had recovered.