election was held. The other emergency services commissioners serve terms that expire on December 31 of the fourth year following the year in which the election was held.

(h) The general election for commissioner shall be held every two years [annually] on an authorized uniform election date as provided by Chapter 41, Election Code. The board may change the election date from one authorized election date to another authorized election date and shall adjust the terms of office to conform to the new election date.

SECTION 3. (a) The changes in law made by this Act do not affect the entitlement of a person who is a commissioner serving on an emergency services board immediately before the effective date of this Act to continue to carry out the board's functions for the remainder of the commissioner's term.

(b) This Act does not prohibit a person who is serving as a commissioner on or after the effective date of this Act from:

(1) running for election to the board if the person has qualifications required for a board member under Section 775.0345 or 775.035, Health and Safety Code, as amended by this Act; or

(2) continuing to serve until the election and qualification of a new commissioner for that commissioner's position.

(c) Sections 775.0345 and 775.035, Health and Safety Code, as amended by this Act, govern all elections held after December 31, 2009. An emergency services commissioner elected at any election held between July 1, 2007, and December 31, 2007, shall serve until the November 2009 election. Commissioners elected at any election between January 1, 2008, and June 30, 2008, shall serve until the May 2010 election. Commissioners elected at any election held between July 1, 2008, and December 31, 2008, shall serve until the November 2010 election. Commissioners elected at any election held between January 1, 2009, and June 30, 2009, shall serve until the May 2012 election. Commissioners elected between July 1, 2009, and December 31, 2009, shall serve until the November 2012 election.

SECTION 4. This Act takes effect January 1, 2010, but only if the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, to allow the legislature to provide for members of a governing board of an emergency services district to serve terms not to exceed four years is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Passed by the House on April 30, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective January 1, 2010, upon approval of constitutional amendment proposed in H.J.R. 85.

CHAPTER 455

H.B. No. 2542

AN ACT
relating to excused absences in public schools for students visiting institutions of higher education.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.087, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) A school district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

(1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
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(2) the district adopts:

(A) a policy to determine when an absence will be excused for this purpose; and

(B) a procedure to verify the student's visit at the institution of higher education.

SECTION 2. Section 25.087(c), Education Code, as added by Chapter 479 (H.B. 2455), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

c) A student whose absence is excused under Subsection (b) or (b-2) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b) or (b-2) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

SECTION 3. This Act applies beginning with the 2009-2010 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 15, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 456

H.B. No. 2547

AN ACT

relating to the use of a description of employment in determining the safety and appropriateness of a return to employment by an injured employee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 408, Labor Code, is amended by adding Section 408.0221 to read as follows:

Sec. 408.0221. REQUEST FOR DESCRIPTION OF EMPLOYMENT. (a) This section applies only to an employee of an employer who has 10 or more employees.

(b) To facilitate an injured employee's return to employment as soon as it is considered safe and appropriate by the injured employee's treating doctor, the treating doctor may request that the injured employee's employer provide the treating doctor with the information described by Subsection (d) on the form adopted under that subsection.

(c) Information provided to a treating doctor under Subsection (b) does not constitute:

(1) a request by the employer that the injured employee return to the employment;

(2) an offer of employment by the employer for the injured employee to return to employment; or

(3) an admission of the compensability of the injury of the employee.

(d) The commissioner shall prescribe a form to provide information from an employer to a treating doctor concerning the functions and physical responsibilities of an injured employee's job. To the extent possible, the form prescribed under this subsection shall be one page, use a check box format as appropriate, and be compatible with electronic mail. The form must include:

(1) the name and address of the employer and the contact information and availability of the individual representing the employer who has knowledge of the injured employee's job;