

BILL ANALYSIS

Senate Research Center
78R17328 KEG-D

C.S.H.B. 2400
By: Noriega (Gallegos)
Veteran Affairs & Military Installations
5/22/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, Texas law does not require municipalities to provide military leave time accounts for fire fighters or police officers or to maintain their health, dental, and life insurance coverage and benefits should a fire fighter or police officer be called to active military duty. Additionally, there is no authorization for a fire fighter or police officer to voluntarily substitute for a fire fighter or police officer who has been called to federal active military duty. C.S.H.B. 2400 requires municipalities to provide military leave time accounts for fire fighters or police officers and to maintain their health, dental, and life insurance coverage and benefits should a fire fighter or police officer be called to active military duty. This bill also authorizes a fire fighter or police officer to voluntarily substitute for a fire fighter or police officer who has been called to federal active military duty, as long as that fire fighter or police officer is qualified to perform the duties of the absent fire fighter or police officer.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(a) Requires the Fire Fighters' and Police Officers' Civil Service Commission (commission), on written application of a fire fighter or police officer, to 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.

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

(h) Authorizes a fire fighter or police officer, in addition to other procedures prescribed by this section, to voluntarily substitute for a fire fighter or police officer described by Sections 143.075 (b)(1) and (2), without restriction as to the amount of time, who has been called to active federal military duty expected to last 12 months or longer. Requires a fire fighter or police officer who voluntarily substitutes under this subsection to be qualified to perform the duties of the absent fire fighter or police officer.

SECTION 2. Amends Subchapter E, Chapter 143, Local Government Code, by adding Section 143.075, as follows:

Sec. 143.075. **MILITARY LEAVE TIME ACCOUNTS.** (a) Requires a municipality to maintain separate military leave time accounts for the fire and police departments.

(b) Requires a military leave time account to benefit a fire fighter or police officer

who meets certain criteria.

(c) Authorizes a fire fighter or police officer to donate any amount of accumulated vacation, holiday, sick, or compensatory leave time to the military leave time account in that fire fighter's or police officer's department to help provide salary continuation for fire fighters or police officers who qualify as eligible beneficiaries under Subsection (b). Requires a fire fighter or police officer who wishes to donate time to an account under this section to authorize the donation in writing on a form provided by the fire or police department and approved by the municipality.

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

SECTION 3. Effective date: upon passage or September 1, 2003.