

1-1 By: Noriega (Senate Sponsor - Gallegos) H.B. No. 2400
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 3, Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2400 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to military leave and military leave time accounts for
1-11 certain municipal fire fighters and police officers.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 143.072, Local Government Code, is
1-14 amended by amending Subsection (a) and adding Subsections (g) and
1-15 (h) to read as follows:

1-16 (a) On written application of a fire fighter or police
1-17 officer, the commission shall grant the person a military leave of
1-18 absence without pay, subject to Section 143.075, to enable the
1-19 person to enter a branch of the United States military service. The
1-20 leave of absence may not exceed the period of compulsory military
1-21 service or the basic minimum enlistment period for the branch of
1-22 service the fire fighter or police officer enters.

1-23 (g) If a fire fighter or police officer employed by a
1-24 municipality is called to active military duty for any period, the
1-25 employing municipality must continue to maintain any health,
1-26 dental, or life insurance coverage and any health or dental
1-27 benefits coverage that the fire fighter or police officer received
1-28 through the municipality on the date the fire fighter or police
1-29 officer was called to active military duty until the municipality
1-30 receives written instructions from the fire fighter or police
1-31 officer to change or discontinue the coverage.

1-32 (h) In addition to other procedures prescribed by this
1-33 section, a fire fighter or police officer may, without restriction
1-34 as to the amount of time, voluntarily substitute for a fire fighter
1-35 or police officer described by Sections 143.075(b)(1) and (2) who
1-36 has been called to active federal military duty for a period
1-37 expected to last 12 months or longer. A fire fighter or police
1-38 officer who voluntarily substitutes under this subsection must be
1-39 qualified to perform the duties of the absent fire fighter or police
1-40 officer.

1-41 SECTION 2. Subchapter E, Chapter 143, Local Government
1-42 Code, is amended by adding Section 143.075 to read as follows:

1-43 Sec. 143.075. MILITARY LEAVE TIME ACCOUNTS. (a) A
1-44 municipality shall maintain military leave time accounts for the
1-45 fire and police departments and must maintain a separate military
1-46 leave time account for each department.

1-47 (b) A military leave time account shall benefit a fire
1-48 fighter or police officer who:

1-49 (1) is a member of the Texas National Guard or the
1-50 armed forces reserves of the United States;

1-51 (2) was called to active federal military duty while
1-52 serving as a fire fighter or police officer for the municipality;

1-53 (3) has served on active duty for a period of 12
1-54 continuous months or longer; and

1-55 (4) has exhausted the balance of the person's
1-56 vacation, holiday, and compensatory leave time accumulations.

1-57 (c) A fire fighter or police officer may donate any amount
1-58 of accumulated vacation, holiday, sick, or compensatory leave time
1-59 to the military leave time account in that fire fighter's or police
1-60 officer's department to help provide salary continuation for fire
1-61 fighters or police officers who qualify as eligible beneficiaries
1-62 of the account under Subsection (b). A fire fighter or police
1-63 officer who wishes to donate time to an account under this section

2-1 must authorize the donation in writing on a form provided by the
2-2 fire or police department and approved by the municipality.

2-3 (d) A municipality shall equally distribute the leave time
2-4 donated to a military leave time account among all fire fighters or
2-5 police officers who are eligible beneficiaries of that account.
2-6 The municipality shall credit and debit the applicable military
2-7 leave time account on an hourly basis regardless of the cash value
2-8 of the time donated or used.

2-9 SECTION 3. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2003.

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