

By: Gallegos, Van de Putte, Nelson

S.B. No. 1288

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

(c) A fire fighter or police officer may 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

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

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

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

21 (f) A fire fighter or police officer may, without
22 restriction as to the amount of time, voluntarily substitute for a
23 fire fighter or police officer described by Subsections (b)(1) and
24 (2) who has been called to active federal military duty for a period
25 expected to last 12 months or longer. A fire fighter or police
26 officer who voluntarily substitutes under this subsection must be
27 qualified to perform the duties of the absent fire fighter or police

1 officer.

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