

CHAPTER 111

S.B. No. 439

AN ACT

relating to an offset against workers' compensation benefits for certain law enforcement officers employed by political subdivisions.

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

SECTION 1. Section 5, Article 8309h, Revised Statutes, as amended, is amended to read as follows:

Sec. 5. (a) *The* ~~[It is the purpose of this article that the]~~ compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein. Provided further, however, that any and all sums for incapacity received in accordance with Chapter 325, Acts of the 50th Legislature, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes), and any other statutes now in force and effect that provide for payment for incapacity to work because of injury on the job that is also covered by this Act are hereby offset as against the benefits provided under this Act to the extent applicable, *and any sums paid under Article III, Section 52e, of the Texas Constitution, are offset against the week-to-week benefits otherwise payable under this Act.* Provided that when an employee's wage is offset as prescribed above, both the employer and the employee shall pay into the pension fund on the amount of money by which his wage was offset and provided further that under no circumstances shall an employee's pension benefit be reduced as a result of his injuries or any compensation received under the provision of this Act, unless such reduction is a result of a pension revision passed by majority vote of the affected members of a pension system.

(b) When benefits are offset as in Subsection (a) of Section 5 of this Act, the employer shall not withhold the offset portion of the employees wages until such time as the benefits from this Act are received.

SECTION 2. This Act takes effect September 1, 1987, and applies only to an offset against workers' compensation benefits for a compensable injury occurring on or after that date.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 26, 1987, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 1, 1987, by a viva-voce vote.

Passed the House, with amendment, on April 30, 1987, by a non-record vote.

Approved May 19, 1987:

Effective Sept. 1, 1987.