

CHAPTER 144

S.B. No. 742

AN ACT

relating to physical requirements for membership in certain fire fighters' retirement systems.

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

SECTION 1. Subsection (d), Section 10, Chapter 432, Acts of the 64th Legislature, 1975 (Article 6243e.2, Vernon's Texas Civil Statutes), is amended to read as follows:

(d)(1) Each person who *makes an application to become* [~~becomes~~] a fireman in any city which has a firemen's relief and retirement fund in which he is eligible for

membership, shall *make an application to become a member of the fund. If accepted by the board of trustees, the person, as a condition of his appointment, and [shall] by acceptance of the position of probationary fire fighter, agrees [agree] to make and shall make contributions required under this Act of members of the fund, and shall participate in the benefits of membership in the fund as provided in this Act, except that no person shall be eligible for [to] membership in the fund who is more than 30 years of age at the time he first enters service as a fireman.*

*(2) The board of trustees shall establish minimum physical requirements which shall not exceed the physical requirements established by the Commission pursuant to Section 9, Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes), for membership in the fund, which physical requirements shall be the same for all applicants. Within 10 days after the date of a physical examination performed on an applicant for a beginning position in the fire department as required by Section 9, Chapter 325, Acts of the 50th Legislature, 1947 (Article 1269m, Vernon's Texas Civil Statutes), the board of trustees shall obtain a copy of all documents resulting from the physical examination. The board of trustees may require additional physical examinations if necessary to determine whether the applicant meets the minimum physical requirements for membership in the fund. [Any person who enters service as a fireman may be denied or excused from membership in the fund if the board of trustees of the fund determines that the person is not of sound health.] The applicant shall pay the cost of any additional physical examination required [in that instance] by the board of trustees. The board of trustees shall, on the basis of one or more physical examinations, determine whether the applicant meets the minimum physical requirements for membership in the fund. The board of trustees shall notify the applicant and the chief of the fire department not later than 10 calendar days before the first day of cadet training of their acceptance or rejection of the applicant. If the board of trustees rejects the applicant, the applicant may request further examination by a board of three physicians appointed by the board of trustees at the expense of the applicant. If a physician board finds that an applicant meets the minimum physical requirements for membership in the fund, the board of trustees shall accept the applicant for membership. If accepted by the board of trustees, the applicant's membership is effective on being appointed to the position of probationary fire fighter.*

SECTION 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 15, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 8, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendment, on April 30, 1987, by the following vote: Yeas 142, Nays 0, one present not voting.

Approved May 21, 1987.

Effective May 21, 1987.