

AN ACT

relating to allowing supplemental pay for members of the Texas National Guard who are called to active duty when active duty service imposes an economic hardship.

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

SECTION 1. Section 431.082(a), Government Code, is amended to read as follows:

(a) Except as provided by Section 431.0821, a [A] member of the state military forces who performs training or other duty under authority of the United States Code may not receive salary or allowances from the state for the training or other duty, but may be reimbursed for lodging and meals as authorized by the General Appropriations Act if the adjutant general authorizes the payment.

SECTION 2. Subchapter F, Chapter 431, Government Code, is amended by adding Section 431.0821 to read as follows:

Sec. 431.0821. SUPPLEMENTAL ACTIVE DUTY PAY FOR ECONOMIC HARDSHIP. (a) A person who is called to active military duty as a member of the Texas National Guard in the service of this state or the United States by proper federal or state authority and who suffers an economic hardship as a result of serving on active duty is eligible to receive supplemental pay for serving on active duty in accordance with this section.

(b) The comptroller shall establish the Texas National Guard members' supplemental active duty pay account in the general

1 revenue fund. Money in the account may only be appropriated for  
2 purposes of implementing this section. The comptroller, governor,  
3 or adjutant general may accept gifts and grants for deposit to the  
4 credit of the account. The legislature may transfer money into the  
5 account or may appropriate money to implement this section that the  
6 comptroller shall credit to the account.

7 (c) A member of the Texas National Guard described by  
8 Subsection (a) is eligible to receive supplemental pay under this  
9 section in an amount not to exceed the lesser of:

10 (1) the amount required to alleviate the economic  
11 hardship the member suffers as a result of serving on active duty;  
12 and

13 (2) the difference between the amount of income that  
14 the member has lost from civilian employment as a result of being  
15 called to active duty and the amount of military pay and allowances  
16 the member receives from state or federal sources while on active  
17 duty.

18 (d) The adjutant general determines whether a member is  
19 eligible to receive supplemental pay under this section and the  
20 amount of supplemental pay a member may receive. In determining the  
21 amount, the adjutant general shall consider the total amount that  
22 is available for supplemental pay during a period and the probable  
23 total need for supplemental pay during that period.

24 (e) The adjutant general may adopt rules to implement this  
25 section, including rules that prescribe the procedure for  
26 requesting supplemental pay and that prescribe evidence a member  
27 may or must present to demonstrate hardship. The comptroller, in

1 consultation with the adjutant general, may adopt rules to govern  
2 the manner and method of paying supplemental pay under this  
3 section.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2251 was passed by the House on May 5, 2003, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2251 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor