

1-1 By: Flores (Senate Sponsor - Van de Putte) H.B. No. 2251
1-2 (In the Senate - Received from the House May 6, 2003;
1-3 May 8, 2003, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 4, Nays 0; May 22, 2003, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to allowing supplemental pay for members of the Texas
1-10 National Guard who are called to active duty when active duty
1-11 service imposes an economic hardship.

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

1-13 SECTION 1. Section 431.082(a), Government Code, is amended
1-14 to read as follows:

1-15 (a) Except as provided by Section 431.0821, a [A] member of
1-16 the state military forces who performs training or other duty under
1-17 authority of the United States Code may not receive salary or
1-18 allowances from the state for the training or other duty, but may be
1-19 reimbursed for lodging and meals as authorized by the General
1-20 Appropriations Act if the adjutant general authorizes the payment.

1-21 SECTION 2. Subchapter F, Chapter 431, Government Code, is
1-22 amended by adding Section 431.0821 to read as follows:

1-23 Sec. 431.0821. SUPPLEMENTAL ACTIVE DUTY PAY FOR ECONOMIC
1-24 HARDSHIP. (a) A person who is called to active military duty as a
1-25 member of the Texas National Guard in the service of this state or
1-26 the United States by proper federal or state authority and who
1-27 suffers an economic hardship as a result of serving on active duty
1-28 is eligible to receive supplemental pay for serving on active duty
1-29 in accordance with this section.

1-30 (b) The comptroller shall establish the Texas National
1-31 Guard members' supplemental active duty pay account in the general
1-32 revenue fund. Money in the account may only be appropriated for
1-33 purposes of implementing this section. The comptroller, governor,
1-34 or adjutant general may accept gifts and grants for deposit to the
1-35 credit of the account. The legislature may transfer money into the
1-36 account or may appropriate money to implement this section that the
1-37 comptroller shall credit to the account.

1-38 (c) A member of the Texas National Guard described by
1-39 Subsection (a) is eligible to receive supplemental pay under this
1-40 section in an amount not to exceed the lesser of:

1-41 (1) the amount required to alleviate the economic
1-42 hardship the member suffers as a result of serving on active duty;
1-43 and

1-44 (2) the difference between the amount of income that
1-45 the member has lost from civilian employment as a result of being
1-46 called to active duty and the amount of military pay and allowances
1-47 the member receives from state or federal sources while on active
1-48 duty.

1-49 (d) The adjutant general determines whether a member is
1-50 eligible to receive supplemental pay under this section and the
1-51 amount of supplemental pay a member may receive. In determining the
1-52 amount, the adjutant general shall consider the total amount that
1-53 is available for supplemental pay during a period and the probable
1-54 total need for supplemental pay during that period.

1-55 (e) The adjutant general may adopt rules to implement this
1-56 section, including rules that prescribe the procedure for
1-57 requesting supplemental pay and that prescribe evidence a member
1-58 may or must present to demonstrate hardship. The comptroller, in
1-59 consultation with the adjutant general, may adopt rules to govern
1-60 the manner and method of paying supplemental pay under this
1-61 section.

1-62 SECTION 3. This Act takes effect immediately if it receives
1-63 a vote of two-thirds of all the members elected to each house, as
1-64 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2003.

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