

1 AN ACT

2 relating to salary payments to municipal and county employees
3 called to active military duty.

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

5 SECTION 1. Subtitle C, Title 5, Local Government Code, is
6 amended by adding Chapter 173 to read as follows:

7 CHAPTER 173. TEMPORARY SALARY PAYMENTS FOR MUNICIPAL
8 AND COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

9 Sec. 173.001. EMPLOYEES SUBJECT TO CHAPTER. (a) This
10 chapter applies to a municipal or county employee who is a member of
11 a reserve component of the armed forces of the United States,
12 including any appropriate part of the state military forces, and
13 who by virtue of that membership is called to active duty in the
14 armed forces of the United States by federal authority without the
15 person's consent before, on, or after the effective date of this
16 chapter as part of a partial or total mobilization of the reserve
17 components of the armed forces.

18 (b) This chapter does not apply to a person who:

19 (1) ceases to be employed by a municipality or county
20 because the person resigns or is terminated for a reason that is not
21 a direct consequence of the person's call to active duty as
22 described under Subsection (a); or

23 (2) commits a voluntary act that extends the person's
24 original assigned service to active duty.

1 Sec. 173.002. SALARY CONTINUATION. (a) Notwithstanding
2 any other law, if a person to whom this chapter applies exhausts all
3 military leave to which the person is entitled under state law, the
4 municipality or county may continue the person's municipal or
5 county salary payments under this chapter in an amount determined
6 by the governing body of the municipality or the commissioners
7 court, as applicable, until the person is no longer required to
8 serve on active duty under the circumstances described by Section
9 173.001(a).

10 (b) The salary payments authorized by Subsection (a) are
11 payable:

12 (1) from the general fund of the municipality or
13 county or other funds available for that purpose on the date the
14 person is called to active duty; and

15 (2) only for a municipal or county pay period that
16 began on or after September 1, 2002.

17 Sec. 173.003. MANNER OF PAYMENT. Salary payments under
18 this chapter may be paid in the manner directed by the person,
19 subject to the approval of the governing body of a municipality or
20 the commissioners court of a county, as applicable, except as
21 provided by other law.

22 Sec. 173.004. RULES. The governing body of a municipality
23 and the commissioners court of a county may adopt rules to implement
24 this chapter.

25 Sec. 173.005. OTHER BENEFITS UNAFFECTED. This chapter
26 authorizes the continuation of municipal or county salary payments
27 only as provided by Sections 173.001-173.004.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2385 was passed by the House on May 2, 2003, by the following vote: Yeas 126, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2385 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor