

1-1 By: Griggs, et al. (Senate Sponsor - Harris) H.B. No. 2385
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on
1-4 Administration; May 13, 2003, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 13, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to salary payments to municipal and county employees
1-9 called to active military duty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle C, Title 5, Local Government Code, is
1-12 amended by adding Chapter 173 to read as follows:

1-13 CHAPTER 173. TEMPORARY SALARY PAYMENTS FOR MUNICIPAL
1-14 AND COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

1-15 Sec. 173.001. EMPLOYEES SUBJECT TO CHAPTER. (a) This
1-16 chapter applies to a municipal or county employee who is a member of
1-17 a reserve component of the armed forces of the United States,
1-18 including any appropriate part of the state military forces, and
1-19 who by virtue of that membership is called to active duty in the
1-20 armed forces of the United States by federal authority without the
1-21 person's consent before, on, or after the effective date of this
1-22 chapter as part of a partial or total mobilization of the reserve
1-23 components of the armed forces.

1-24 (b) This chapter does not apply to a person who:

1-25 (1) ceases to be employed by a municipality or county
1-26 because the person resigns or is terminated for a reason that is not
1-27 a direct consequence of the person's call to active duty as
1-28 described under Subsection (a); or

1-29 (2) commits a voluntary act that extends the person's
1-30 original assigned service to active duty.

1-31 Sec. 173.002. SALARY CONTINUATION. (a) Notwithstanding
1-32 any other law, if a person to whom this chapter applies exhausts all
1-33 military leave to which the person is entitled under state law, the
1-34 municipality or county may continue the person's municipal or
1-35 county salary payments under this chapter in an amount determined
1-36 by the governing body of the municipality or the commissioners
1-37 court, as applicable, until the person is no longer required to
1-38 serve on active duty under the circumstances described by Section
1-39 173.001(a).

1-40 (b) The salary payments authorized by Subsection (a) are
1-41 payable:

1-42 (1) from the general fund of the municipality or
1-43 county or other funds available for that purpose on the date the
1-44 person is called to active duty; and

1-45 (2) only for a municipal or county pay period that
1-46 began on or after September 1, 2002.

1-47 Sec. 173.003. MANNER OF PAYMENT. Salary payments under
1-48 this chapter may be paid in the manner directed by the person,
1-49 subject to the approval of the governing body of a municipality or
1-50 the commissioners court of a county, as applicable, except as
1-51 provided by other law.

1-52 Sec. 173.004. RULES. The governing body of a municipality
1-53 and the commissioners court of a county may adopt rules to implement
1-54 this chapter.

1-55 Sec. 173.005. OTHER BENEFITS UNAFFECTED. This chapter
1-56 authorizes the continuation of municipal or county salary payments
1-57 only as provided by Sections 173.001-173.004.

1-58 SECTION 2. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2003.

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