

1-1 By: Harris S.B. No. 1174  
1-2 (In the Senate - Filed March 11, 2003; March 19, 2003, read  
1-3 first time and referred to Committee on Veteran Affairs and  
1-4 Military Installations; April 22, 2003, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 5, Nays  
1-6 0; April 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1174 By: Estes

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to salary payments to municipal and county employees  
1-11 called to active military duty.

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

1-13 SECTION 1. Subtitle C, Title 5, Local Government Code, is  
1-14 amended by adding Chapter 173 to read as follows:

1-15 CHAPTER 173. TEMPORARY SALARY PAYMENTS FOR MUNICIPAL  
1-16 AND COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

1-17 Sec. 173.001. EMPLOYEES SUBJECT TO CHAPTER. (a) This  
1-18 chapter applies to a municipal or county employee who is a member of  
1-19 a reserve component of the armed forces of the United States,  
1-20 including any appropriate part of the state military forces, and  
1-21 who by virtue of that membership is called to active duty in the  
1-22 armed forces of the United States by federal authority without the  
1-23 person's consent before, on, or after the effective date of this  
1-24 chapter as part of a partial or total mobilization of the reserve  
1-25 components of the armed forces.

1-26 (b) This chapter does not apply to a person who:

1-27 (1) ceases to be employed by a municipality or county  
1-28 because the person resigns or is terminated for a reason that is not  
1-29 a direct consequence of the person's call to active duty as  
1-30 described under Subsection (a); or

1-31 (2) commits a voluntary act that extends the person's  
1-32 original assigned service to active duty.

1-33 Sec. 173.002. SALARY CONTINUATION. (a) Notwithstanding  
1-34 any other law, if a person to whom this chapter applies exhausts all  
1-35 military leave to which the person is entitled under state law, the  
1-36 municipality or county may continue the person's municipal or  
1-37 county salary payments under this chapter in an amount determined  
1-38 by the governing body of the municipality or the commissioners  
1-39 court, as applicable, until the person is no longer required to  
1-40 serve on active duty under the circumstances described by Section  
1-41 173.001(a).

1-42 (b) The salary payments authorized by Subsection (a) are  
1-43 payable:

1-44 (1) from the general fund of the municipality or  
1-45 county or other funds available for that purpose on the date the  
1-46 person is called to active duty; and

1-47 (2) only for a municipal or county pay period that  
1-48 began on or after September 1, 2002.

1-49 Sec. 173.003. MANNER OF PAYMENT. Salary payments under  
1-50 this chapter may be paid in the manner directed by the person,  
1-51 subject to the approval of the governing body of a municipality or  
1-52 the commissioners court of a county, as applicable, except as  
1-53 provided by other law.

1-54 Sec. 173.004. RULES. The governing body of a municipality  
1-55 and the commissioners court of a county may adopt rules to implement  
1-56 this chapter.

1-57 Sec. 173.005. OTHER BENEFITS UNAFFECTED. This chapter only  
1-58 authorizes the continuation of municipal or county salary payments  
1-59 as provided by Sections 173.001-173.004.

1-60 SECTION 2. This Act takes effect immediately if it receives  
1-61 a vote of two-thirds of all the members elected to each house, as  
1-62 provided by Section 39, Article III, Texas Constitution. If this  
1-63 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2003.

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