

AN ACT

relating to the accrual of vacation and sick leave for certain state employees during a military leave of absence and to the eligibility of military service members to hold state office.

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

SECTION 1. Subsections (b) and (c), Section 661.904, Government Code, are amended to read as follows:

(b) The employee on an unpaid leave of absence during military duty described by Subsection (a) continues to accrue:

(1) state service credit for purposes of longevity pay;

(2) ~~[while on military duty described by Subsection (a) but does not accrue]~~ vacation leave; and

(3) ~~[or]~~ sick leave ~~[during an unpaid leave of absence]~~.

(c) The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment from military duty described by Subsection (a). Leave earned while on an unpaid leave of absence during military duty described by Subsection (a) ~~[in a state-paid status]~~ is credited to the employee's balance when the employee returns to active state employment.

SECTION 2. Subchapter A, Chapter 431, Government Code, is amended by adding Section 431.0055 to read as follows:

1 Sec. 431.0055. DUAL OFFICE HOLDING. A position in or
2 membership in the state military forces is not considered to be a
3 civil office of emolument.

4 SECTION 3. Section 1 of this Act takes effect immediately if
5 this Act receives a vote of two-thirds of all the members elected to
6 each house, as provided by Section 39, Article III, Texas
7 Constitution. If this Act does not receive the vote necessary for
8 immediate effect, Section 1 of this Act takes effect September 1,
9 2009. Section 2 of this Act takes effect January 1, 2010, but only
10 if the constitutional amendment proposed by the 81st Legislature,
11 Regular Session, 2009, authorizing an officer or enlisted member of
12 the Texas State Guard or other state militia or military force to
13 hold other civil offices is approved by the voters. If that
14 proposed constitutional amendment is not approved by the voters,
15 Section 2 of this Act has no effect.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 833 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 833 passed the House, with amendment, on May 20, 2009, by the following vote: Yeas 137, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor