

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB833** by Carona (Relating to the accrual of vacation and sick leave for certain state employees on a military leave of absence.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

Section 1 of the bill would amend the Government Code to allow a state employee to continue to accrue vacation and sick leave while on unpaid leave of absence for military duty. The bill would have no fiscal impact on the employees' employing agencies.

Granting additional vacation and sick leave accruals could increase the amount of unused vacation and sick leave that members of the Employees Retirement System could convert to service credit at retirement. Less than 500 state employees are on unpaid leave of absence during military duty, therefore, the bill would have no material impact on the ERS trust fund.

Section 2 of the bill would amend the Government Code by authorizing an officer or enlisted member of the state military forces to hold other civil offices. The Adjutant General anticipates no fiscal impact from this section of the bill.

Section 1 of the the bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house, otherwise the bill would take effect September 1, 2009. Section 2 of the bill would take effect on January 1, 2010, only if the constitutional amendment proposed by the 81st Legislature, Regular Session, 2009, authorizing an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices, is approved by the voters.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 327 Employees Retirement System, 405 Department of Public Safety, 696 Department of Criminal Justice, 802 Parks and Wildlife Department

**LBB Staff:** JOB, KK, SD, PJK, ESi, DH