

BILL ANALYSIS

C.S.H.B. 83
By: Flynn
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is unclear whether a member of the Texas military forces called to state active duty is considered a temporary state employee for purposes of compensation and employment benefits. Before a disaster requires the long-term utilization of state military forces, concerned parties feel that the pay and benefits of these forces, once on state active duty, should be clarified. C.S.H.B. 83 responds to this concern by addressing state pay and benefits for a member of the state military forces called to state active duty for 45 days or more.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 83 amends the Government Code to establish that a member of the state military forces called to state active duty is a temporary state employee while on state active duty but does not count toward a limitation on the number of full-time employee positions of the adjutant general's department. The bill authorizes the adjutant general to pay such a member an amount not to exceed 165 percent of the amount authorized by the General Appropriations Act if the length of active duty for the member exceeds 45 consecutive days. The bill specifies that if the length of state active duty exceeds 90 consecutive days, the member is after the 90th day eligible for coverage in the group benefits program, eligible for membership in the employee class of the Employees Retirement System of Texas, and otherwise eligible to receive benefits provided to state employees whose employment may be temporary.

C.S.H.B. 83 entitles an employee of a municipality, county, or other political subdivision of the state called to state active duty as a member of the state military forces by the governor to receive paid emergency leave without loss of military leave or annual leave.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 83, in provisions establishing that a member of the state military forces called to state active duty is a temporary state employee while on state active duty, contains a provision not included in the original specifying that the member does not count toward a limitation on the number of full-time employee positions of the adjutant general's department.

C.S.H.B. 83 contains a provision not included in the original entitling an employee of a political subdivision of the state called to state active duty to receive paid emergency leave without loss of military or annual leave.