

AN ACT

relating to salary payments to municipal and county employees called to active military duty.

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

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

CHAPTER 173. TEMPORARY SALARY PAYMENTS FOR MUNICIPAL AND COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

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

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

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

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

1 Sec. 173.002. SALARY CONTINUATION. (a) Notwithstanding
2 any other law, if a person to whom this chapter applies exhausts all
3 military leave to which the person is entitled under state law, the
4 municipality or county may continue the person's municipal or
5 county salary payments under this chapter in an amount determined
6 by the governing body of the municipality or the commissioners
7 court, as applicable, until the person is no longer required to
8 serve on active duty under the circumstances described by Section
9 173.001(a).

10 (b) The salary payments authorized by Subsection (a) are
11 payable:

12 (1) from the general fund of the municipality or
13 county or other funds available for that purpose on the date the
14 person is called to active duty; and

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

17 Sec. 173.003. MANNER OF PAYMENT. Salary payments under
18 this chapter may be paid in the manner directed by the person,
19 subject to the approval of the governing body of a municipality or
20 the commissioners court of a county, as applicable, except as
21 provided by other law.

22 Sec. 173.004. RULES. The governing body of a municipality
23 and the commissioners court of a county may adopt rules to implement
24 this chapter.

25 Sec. 173.005. OTHER BENEFITS UNAFFECTED. This chapter
26 authorizes the continuation of municipal or county salary payments
27 only as provided by Sections 173.001-173.004.

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

David Dewhurst

President of the Senate

Jim Coady

Speaker of the House

I certify that H.B. No. 2385 was passed by the House on May 2, 2003, by the following vote: Yeas 126, Nays 0, 2 present, not voting.

Robert Hamey

Chief Clerk of the House

I certify that H.B. No. 2385 was passed by the Senate on May 20, 2003, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 PM O'CLOCK

Ann Shea
Secretary of State