

- SUBJECT:** Creating a supplemental pay account for Texas National Guard members
- COMMITTEE:** Defense Affairs and State-Federal Relations — favorable, without amendment
- VOTE:** 5 ayes — Corte, Campbell, Berman, Merritt, Seaman
0 nays
4 absent — Delisi, Mabry, P. Moreno, Noriega
- WITNESSES:** None
- BACKGROUND:** Government Code, ch. 431, governs the state militia. It includes some protections to members of the state military forces called to active duty, such as the reemployment protection in sec. 431.006.
- DIGEST:** HB 2251 would require the comptroller to establish for Texas National Guard members a supplemental active duty pay account in the general revenue fund. It would permit the governor, comptroller, and adjutant general to accept gifts and grants for the account and would allow the Legislature to appropriate or transfer money into the account. The bill would not allow money in the account to be used for any purpose other than for supplemental pay of National Guard members.
- The bill would permit a member of the Texas National Guard who was called to active duty and suffered economic hardship to receive supplemental pay from the fund, in accordance with procedures adopted by the adjutant general. It would limit a guard member's supplemental pay to either the difference between military pay and civilian pay or the amount required to alleviate the service member's economic hardship, whichever was least.
- The bill would authorize the adjutant general to adopt rules to implement this section and would authorize the comptroller, in consultation with the adjutant general, to adopt rules to govern payment of supplemental pay.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

Some members of the Texas National Guard called to active duty sustain a pay decrease from what they receive in civilian employment. Their financial liabilities continue unchanged, even though their income changes. Though the this legislation might not have been necessary in times when state military forces were not often utilized, the Texas National Guard has been ordered to active duty with increasing frequency over the last decade. Guard members who suffer an economic hardship may be a small percentage of the total membership, but it is not a small matter to those adversely affected. This bill would recognize the sacrifice that service members make and protect them from suffering economic hardship as a result of serving their country.

This bill would have no significant fiscal impact on the state because it would allow, but not require, the Legislature to appropriate state funds to the supplemental pay account. Also, in authorizing the adjutant general to determine eligibility requirements for a Texas National Guard member to receive pay, the Legislature would make best use of the adjutant general's expertise and knowledge about service members' needs. This bill could apply to the Texas State Guard if its members were called to active state duty under some circumstances, and to reserve members, if called to active duty in the Texas National Guard.

**OPPONENTS
SAY:**

There is no need for this bill because there is no evidence to suggest that significant numbers of National Guard members experience financial hardships as a result of active service. The fiscal note indicates that the pay for most state employees, for example, actually is less than active duty pay.