

BILL ANALYSIS

Senate Research Center
78R10835 AKH-D

H.B. 2385
By: Griggs (Harris)
Administration
5-8-2003
Engrossed

DIGEST AND PURPOSE

Currently, Texas law does not provide for a temporary continuation of salary for municipal and county employees who are members of a reserve component of the United States armed forces called to active duty. H.B. 2385 authorizes a county or municipality to continue paying a municipal or county employee who is a member of a reserve component of the armed forces of the United States called to active duty, including any appropriate part of the state military forces, the employee's salary, as determined by the governing body of the municipality or the commissioners court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Local Government Code, by adding Chapter 173, as follows:

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

Sec. 173.001. EMPLOYEES SUBJECT TO CHAPTER. (a) Provides that 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) Provides that this chapter does not apply certain to a person who 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 to a person who commits a voluntary act that extends the person's original assigned service to active duty.

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

(b) Provides that the salary payments authorized by Subsection (a) are payable from the general fund of the municipality or county, or other funds available for that purpose on the date the person is called to active duty, and only for a municipal or county pay period that began on or after September 1, 2002.

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

Sec. 173.004. RULES. Authorizes the governing body of a municipality and the commissioners court of a county to adopt rules to implement this chapter.

Sec. 173.005. OTHER BENEFITS UNAFFECTED. Provides that this chapter only authorizes the continuation of municipal or county salary payments as provided by Sections 173.001-173.004.

SECTION 2. Effective date: upon passage or September 1, 2003.