

1 HB401
2 147841-1
3 By Representatives Chesteen, Lee, Patterson, Shiver, Drake
4 and Faust
5 RFD: Military and Veterans Affairs
6 First Read: 07-MAR-13

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8 SYNOPSIS: Under existing law, state employees and
9 public education employees receive compensation
10 when called into active duty status by the United
11 States.

12 This bill would extend the salary
13 differential for any state employee, employee of a
14 public education entity, or employee of a local
15 government entity, who is called into active
16 service in any of the Armed Forces of the United
17 States.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Sections 31-12-5 and 31-12-6, Code of
24 Alabama 1975, to extend the salary differential for any state
25 employee, employee of a public educational entity, or employee
26 of a local government entity, who is called into active
27 service in any of the Armed Forces of the United States.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 31-12-5 and 31-12-6 of the Code
3 of Alabama 1975, are amended to read as follows:

4 "§31-12-5.

5 "In addition to any other benefits provided in this
6 chapter, any state employee or any employee of a public
7 educational entity in this state who is called into active
8 service in any of the Armed Forces of the United States ~~during~~
9 ~~the war on terrorism which commenced in September 2001,~~ shall
10 receive from his or her employer department or agency
11 compensation in an amount which is equal to the difference
12 between the lower active duty military pay and the higher
13 public salary which he or she would have continued to receive
14 if not called to active service. The amount of compensation
15 required to be paid to an employee called into active service
16 under this section shall be paid for the duration of the
17 active military service, the length of which shall be
18 determined by the Adjutant General of the Alabama National
19 Guard, from the date of activation and shall be paid from
20 funds appropriated to the employer. ~~The provisions of this~~
21 ~~section shall be construed to provide for such payments~~
22 ~~retroactive to September 11, 2001, if applicable.~~

23 "§31-12-6.

24 "The governing body of any local governmental entity
25 in this state may provide for any public employee of the
26 entity who is called into active service in the Armed Forces
27 of the United States ~~during the war on terrorism which~~

1 ~~commenced in September 2001,~~ to receive from his or her
2 employer compensation in an amount which is equal to the
3 difference between the lower active duty military pay and the
4 higher public employment salary which he or she would have
5 received if not called to active service. The amount of
6 compensation which may be paid under this section to a local
7 public employee called into active service may be paid for a
8 period as determined by the local governing body under rules
9 and regulations for processing claims for and payments of the
10 compensation promulgated and implemented by the local
11 governing body."

12 Section 2. The provisions of this act are severable.
13 If any part of this act is declared invalid or
14 unconstitutional, that declaration shall not affect the part
15 which remains.

16 Section 3. All laws or parts of laws which conflict
17 with this act are repealed.

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.