

Senate Engrossed

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 267

# SENATE BILL 1356

AN ACT

AMENDING TITLE 38, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-610.01; RELATING TO STATE OFFICERS AND EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 4, article 1, Arizona Revised Statutes,  
3 is amended by adding section 38-610.01, to read:

4 38-610.01. Leave of absence and compensation for officers and  
5 employees during active military service

6 A. IF THE PRESIDENT OF THE UNITED STATES OR THE GOVERNOR OF THIS STATE  
7 DECLARES THAT A STATE OF EMERGENCY EXISTS, AN OFFICER OR EMPLOYEE OF THIS  
8 STATE WHO IS ORDERED TO ACTIVE MILITARY SERVICE OF THE UNITED STATES OR THIS  
9 STATE AS A MEMBER OF THE NATIONAL GUARD, AIR NATIONAL GUARD, ARMY RESERVE,  
10 NAVAL RESERVE, MARINE CORPS RESERVE, AIR FORCE RESERVE OR COAST GUARD RESERVE  
11 AND WHOSE STATE EMPLOYMENT IS COVERED BY TITLE 41, CHAPTER 4, ARTICLES 5 AND  
12 6 OR WHO IS EXEMPT PURSUANT TO SECTION 41-771, SUBSECTION A, PARAGRAPH 1, 2,  
13 3, 4, 5, 7, 8, 9, 10, 11, 12 OR 13 OR SUBSECTION B, PARAGRAPH 1, 2, 3, 4, 5,  
14 7 OR 8 IS ELIGIBLE FOR AN ADDITIONAL LEAVE OF ABSENCE UNTIL RELEASED FROM  
15 ACTIVE DUTY BY COMPETENT AUTHORITY. DURING THE ADDITIONAL LEAVE OF ABSENCE,  
16 THE OFFICER OR EMPLOYEE SHALL CONTINUE TO RECEIVE THE OFFICER'S OR EMPLOYEE'S  
17 SALARY OR COMPENSATION, LESS THE AMOUNT OF ALL PAY AND ALLOWANCES FOR  
18 MILITARY ACTIVITIES WHILE ON ACTIVE DUTY.

19 B. AN OFFICER OR EMPLOYEE WHO RECEIVES SALARY OR COMPENSATION PURSUANT  
20 TO SUBSECTION A OF THIS SECTION IS NOT ENTITLED TO ACCRUE ANNUAL LEAVE OR  
21 SICK LEAVE DURING THE PERIOD OF ACTIVE DUTY. BEFORE QUALIFYING FOR THE  
22 COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION, THE OFFICER OR  
23 EMPLOYEE MUST EXHAUST ALL MILITARY LEAVE BALANCES BY THE TIME OF ACTIVATION  
24 OR AT ANY TIME DURING THE ACTIVE DUTY PERIOD.

25 C. AN OFFICER OR EMPLOYEE MAY RECEIVE COMPENSATION PURSUANT TO  
26 SUBSECTION A OF THIS SECTION FOR THE CONTINUOUS DURATION OF THE OFFICER'S OR  
27 EMPLOYEE'S ORDER.

28 D. WITHIN SIXTY DAYS AFTER AN OFFICER OR EMPLOYEE WHO RECEIVES PAY  
29 DIFFERENTIAL PURSUANT TO THIS SECTION COMPLETES THE PERIOD OF ACTIVE DUTY,  
30 THE OFFICER OR EMPLOYEE SHALL PROVIDE PROOF THAT THE OFFICER OR EMPLOYEE  
31 RENDERED HONORABLE SERVICE WHILE ON ACTIVE DUTY DURING ANY PERIOD FOR WHICH  
32 THE OFFICER OR EMPLOYEE RECEIVED THE PAY DIFFERENTIAL PURSUANT TO THIS  
33 SECTION. THE STATE MAY SEEK RECOVERY OF THE PAY DIFFERENTIAL FROM ANY PERSON  
34 WHO FAILS TO PROVIDE PROOF OF HONORABLE SERVICE.

35 E. THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH  
36 PROCEDURES TO BE USED BY AN ELIGIBLE OFFICER OR EMPLOYEE TO RECEIVE  
37 COMPENSATION PURSUANT TO SUBSECTION A OF THIS SECTION.

38 Sec. 2. Retroactivity

39 This act is effective retroactively to from and after June 30, 2004.  
APPROVED BY THE GOVERNOR MAY 9, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2005.

Passed the House May 3, 20 05

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate March 1, 20 05

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2005

at 2:45 o'clock P. M.

Secretary to the Governor

Approved this 9 day of

May, 2005

at 4:30 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of May, 2005

at 9:26 o'clock A. M.

Secretary of State

S.B. 1356