

- SUBJECT:** Benefits for Texas military personnel ordered to active state duty
- COMMITTEE:** Defense Affairs and State-Federal Relations — favorable, without amendment
- VOTE:** 7 ayes — Corte, Campbell, Berman, Delisi, Merritt, Noriega, Seaman  
0 nays  
2 absent — Mabry, P. Moreno
- WITNESSES:** For — A. Bentley Nettles  
Against — None  
On — Major General Wayne D. Marty, Adjutant General’s Department; Bill Reimer, Texas Military Forces.
- BACKGROUND:** The federal government provides certain benefits and protections to military personnel on active service to minimize the disruption of military service to their lives. These protections, contained in 38 USC secs. 4301-4313 and 4316-4319, and 50 App. USC secs. 501-536, 560, and 580-94, include:
- a maximum interest rate of 6 percent on certain financial obligations;
  - protection from eviction, foreclosure, and seizure of property;
  - the right to break a lease contract;
  - the right to continue health and professional liability insurance; and
  - the right to reemployment, seniority, pension plans and other benefits of employment.
- Government Code, sec. 431.006 grants reemployment protection to Texas military personnel on active state service.
- DIGEST:** HB 174 would add a section to Government Code, Ch. 431 entitling members of state military forces on active state duty to the same benefits and protections accorded to persons in active federal service.
- The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

In the last decade, Texas state military forces have been ordered to active state duty with increasing frequency. This has exposed a gap between state law and federal law regarding the benefits and protections enjoyed by military personnel on active duty. HB 174 simply would cover that gap so that service personnel were not harmed by their willingness to serve in active military duty for the state.

Because pay for military personnel on active state duty often is lower than pay in civilian occupations, some Texans called for state service have difficulty making ends meet, such as making rent and credit card payments on reduced salaries. Federal law contains provisions to assist military personnel through this transition, such as protection from eviction and guaranteed low interest rates. Texas citizens willing to serve this state in times of crisis should enjoy those same benefits and protections.

The bill would not impose any additional hardship on business than already is imposed by federal law. If history is a good predictor, the number of state service members affected by this legislation would be no more than a couple thousand at any one time, affecting a relatively small number of employers statewide.

**OPPONENTS  
SAY:**

This bill could be burdensome on businesses, especially small businesses and landlords that are trying to survive in a weak economy. Most businesses comply with the reemployment provisions of Texas law and make an effort to support active service personnel, especially when they are engaged in national defense. However, the governor also can call forces to active duty for a natural disaster, which would burden small businesses with some of the costs of natural disaster relief.

**OTHER  
OPPONENTS  
SAY:**

HB 174 should take effect immediately. Texas reservists currently are serving in active duty and they need immediate relief. Waiting until September would unnecessarily delay assistance to people that need it now.

The 6 percent interest rate on certain debts is not low enough to provide meaningful relief, given the current credit climate. Some service persons already might have lower interest rates, in which case they would realize no benefit from this provision.