

BILL ANALYSIS

Senate Research Center
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S.B. 484
By: Hinojosa
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA) are federal laws that provide several protections for military members as they enter active duty.

- SCRA provides members with relief from certain civil obligations while on active military duty, such as rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, automobile repossessions, mortgage interest rates, mortgage foreclosures, civil judicial proceedings, automobile leases, life insurance, health insurance, and income tax payments.
- USERRA prohibits all employers from discriminating against employees who leave to serve in the military and requires the employer to reinstate the employee if the absence is five years or less. USERRA also provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability.

Current Texas law states that members of the Texas Military Department (TMD), when ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority, are entitled to these same protections under SCRA and USERRA, however, there is no provision in statute to enforce the measure.

S.B. 484 enhances current statute to ensure SCRA and USERRA protections are extended to TMD members when ordered to state active duty or training. The new language would also allow these members to receive compensation for damages and attorney's fees.

As proposed, S.B. 484 amends current law relating to the right of a member of the state military forces to retain private legal counsel and file a civil action.

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 Subchapter E, Chapter 437, Government Code, by adding Section 437.2131, as follows:

Sec. 437.2131. RIGHT TO CIVIL ACTION AND PRIVATE LEGAL COUNSEL. (a) Provides that this section applies to a service member of the Texas military forces who is ordered to state active duty or to state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state and who is entitled under Section 437.213 (Certain Benefits and Protections for State Service) to the same benefits and protections provided to persons:

- (1) performing services in the uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319; and

(2) persons in the military service of the United States as provided by 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026.

(b) Permits a service member described by Subsection (a) to retain private legal counsel and, notwithstanding Subchapter I (Administrative Review and Judicial Enforcement), file a civil action in a district court in Texas if the service member is aggrieved by a violation of or is denied a benefit or protection guaranteed under:

(1) Section 437.204 (Reemployment of Service Member Called to Training or Duty);

(2) 38 U.S.C. Sections 4301-4313 and 4316-4319; or

(3) 50 U.S.C. Sections 3901-3959, 3991, and 4011-4026.

(c) Authorizes the court to award to a service member who prevails in an action filed under this section any appropriate declaratory or equitable relief; other appropriate relief, including monetary damages; and costs of the action and reasonable attorney's fees.

(d) Provides that this section does not limit any remedy or relief available to a service member under other law, including a remedy or relief available under Section 437.204(b) (relating to unlawful employment practices) or Subchapter I or consequential and punitive damages.

SECTION 2. Provides that Section 437.2131, Government Code, as added by this Act, applies to a service member of the Texas military forces ordered to state active duty or state training and other duty by the governor, the adjutant general, or another proper authority under the law of this state on or after the effective date of this Act, regardless of whether the date the person was initially ordered to state active duty or state training and other duty was before the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.