

## **BILL ANALYSIS**

S.B. 1735  
By: Shapleigh  
Defense Affairs & State-Federal Relations  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

When Texas's service members are deployed, particularly reserve and Guard members, the families are often left with reduced income and increased financial concerns. With the ongoing war and increased reserve mobilization, Texas must update and clarify specific protections for its deployed service members.

Currently the service members or their dependents incur substantial long distance and international telephone charges. In addition, the service members or their dependents, due to financial hardship because of reduced income, may need to eliminate the expense of a vehicle lease payment but may not be able to terminate a vehicle lease without incurring additional fees and penalties. Moreover, service members or their dependents may have their gas or utilities disconnected for nonpayment when the service member has been called to active duty.

S.B. 1735 enacts various protections to ease the financial obligations of deployed service members so they can concentrate on their military obligations rather than financial concerns at home.

### **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 Section 431.006, Government code, by adding Subsection (e), to provide that the reemployment rights provided by this section apply to a member of the national guard of another state who works in this state if that state provides reemployment rights substantially equivalent to those provided by this section to members of the state military forces of Texas who work in that state. Authorizes the governor to enter into an agreement with the governor of that state to provide the mutual reemployment rights by this subsection, if necessary under the law of another state to achieve said rights.

SECTION 2. Amends Subchapter A, Chapter 2170, Government Code, by adding Section 2170.011, as follows:

Sec. 2170.011. PREPAID CALLING CARDS. (a) Requires the Department of Information Resources (department) to sell or provide access to sources that sell prepaid long distance calling cards to members of the National Guard on federal active duty and members of the armed forces of the United States (armed forces) on active duty, and their families.

(b) Prohibits the department from selling a prepaid long distance calling card for more than the cost of the card.

SECTION 3. (a) Amends Subchapter L, Chapter 2301, Occupations Code, by adding Section 2301.557 as follows:

Sec. 2301.557. TERMINATION OF VEHICLE LEASE BY PERSON ON ACTIVE DUTY IN MILITARY. (a) Authorizes a member of the Texas National Guard or a reserve component of the armed forces called to federal active duty for a national

emergency or other deployment for a period of at least 180 days, or the spouse of the member, to terminate a vehicle lease that is executed by or on behalf of the member.

(b) Prohibits a vehicle lease from being terminated under this section until certain conditions are met.

(c) Requires an unpaid lease amount for a period preceding the effective date of the lease termination under this section to be paid on a prorated basis. Prohibits the lessor from imposing an early termination charge, but provides that any taxes, costs of summons, and title or registration fees and any other obligation and liability of the lessee under the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of the lease termination are required to be paid by the lessee.

(d) Requires the lessor to refund to the lessee any lease amount paid in advance by the lessee applicable to a period after the effective date of the lease termination. Requires the refund required by this subsection to be paid not later than the 30th day after the effective date of the lease termination.

(b) Makes application of this section prospective.

SECTION 4. Amends Subchapter A, Chapter 17, Utilities Code, by adding Section 17.008, as follows:

Sec. 17.008. RELIEF FOR CERTAIN MEMBERS OF ARMED FORCES. (a) Defines "service member."

(b) Requires an electric utility, retail electric provider, power generation company, aggregator, or other entity that provides retail electric service to provide a levelized payment plan on the request of a residential customer who is a service member or a dependent of said member residing at the member's main residence. Requires the member or the member's dependent to provide to the entity providing service a copy of the military orders calling the service member to active duty. Sets forth certain requirements for the levelized payment plan.

(c) Provides that this section does not prohibit a residential customer from entering into an alternative, mutually agreed upon, payment plan with an entity that provides retail electric service to the customer, nor does it prohibit the entity from offering assistance programs in addition to the levelized payment plan, nor does it prohibit the customer from accelerating repayment of deferred charges.

SECTION 5. Amends Subchapter F, Chapter 104, Utilities Code, by adding Section 104.259, as follows:

Sec. 104.259. DISCONNECTION OF GAS SERVICE; CERTAIN MEMBERS OF ARMED SERVICES. (a) Defines "provider" and "service member."

(b) Requires a provider [gas utility] to provide a levelized payment plan on the request of a residential customer who is a service member or a dependent of said member residing at the member's main residence. Requires the member or the member's dependent to provide to the provider a copy of the military orders calling the service member to active duty. Sets forth certain requirements for the levelized payment plan.

(c) Provides that this section does not prohibit a residential customer from entering into an alternative, mutually agreed upon, payment plan with an entity that provides retail electric service to the customer, nor does it prohibit the entity from offering assistance programs in addition to the levelized payment plan, nor does it prohibit the customer from accelerating repayment of deferred charges.

SECTION 6. Effective date: September 1, 2005.

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**EFFECTIVE DATE**

This Act takes effect September 1, 2005