

By: Shapleigh

S.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to benefits and rights for certain members of the Texas  
3 National Guard and armed forces of the United States.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 431.006, Government Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) The reemployment rights provided by this section apply  
8 to a member of the national guard of another state who works in this  
9 state if that state provides reemployment rights substantially  
10 equivalent to those provided by this section to members of the state  
11 military forces of Texas who work in that state. If necessary under  
12 the law of another state to achieve the mutual reemployment rights  
13 authorized by this subsection, the governor may enter into an  
14 agreement with the governor of that state to provide the mutual  
15 reemployment rights authorized by this subsection.

16 SECTION 2. Subchapter A, Chapter 2170, Government Code, is  
17 amended by adding Section 2170.011 to read as follows:

18 Sec. 2170.011. PREPAID CALLING CARDS. (a) The department  
19 shall sell or provide access to sources that sell prepaid long  
20 distance calling cards to members of the Texas National Guard on  
21 federal active duty and members of the armed forces of the United  
22 States on active duty, and their families.

23 (b) The department may not sell a prepaid long distance  
24 calling card for more than the cost of the card.

1 SECTION 3. (a) Subchapter L, Chapter 2301, Occupations  
2 Code, is amended by adding Section 2301.557 to read as follows:

3 Sec. 2301.557. TERMINATION OF VEHICLE LEASE BY PERSON ON  
4 ACTIVE DUTY IN MILITARY. (a) A member of the Texas National Guard  
5 or a reserve component of the United States armed forces called to  
6 federal active duty for a national emergency or other deployment  
7 for a period of at least 180 days or the spouse of a member may  
8 terminate a vehicle lease that is executed by or on behalf of the  
9 member.

10 (b) A vehicle lease is not terminated under this section  
11 until:

12 (1) the person described by Subsection (a) or the  
13 person's spouse gives the lessor notice by certified mail, return  
14 receipt requested, of the person's intent to terminate the lease  
15 together with a copy of the military orders calling the person to  
16 active duty; and

17 (2) the vehicle subject to the lease is returned to the  
18 custody or control of the lessor not later than the 15th day after  
19 the date of delivery of the notice.

20 (c) An unpaid lease amount for a period preceding the  
21 effective date of the lease termination under this section shall be  
22 paid on a prorated basis. The lessor may not impose an early  
23 termination charge, but any taxes, costs of summons, and title or  
24 registration fees and any other obligation and liability of the  
25 lessee under the terms of the lease, including reasonable charges  
26 to the lessee for excess wear, use, and mileage, that are due and  
27 unpaid at the time of the lease termination shall be paid by the

1 lessee.

2 (d) The lessor shall refund to the lessee any lease amount  
3 paid in advance by the lessee applicable to a period after the  
4 effective date of the lease termination. The refund required by  
5 this subsection must be paid not later than the 30th day after the  
6 effective date of the lease termination.

7 (b) Section 2301.557, Occupations Code, as added by this  
8 Act, applies only to a vehicle lease entered into on or after the  
9 effective date of this Act.

10 SECTION 4. Subchapter A, Chapter 17, Utilities Code, is  
11 amended by adding Section 17.008 to read as follows:

12 Sec. 17.008. RELIEF FOR CERTAIN MEMBERS OF ARMED FORCES.

13 (a) In this section, "service member" means a member of the Texas  
14 National Guard or a reserve component of the United States armed  
15 forces called to federal active duty for any national emergency or  
16 other deployment for a period of at least 180 days away from the  
17 primary residence.

18 (b) On the request of a residential customer who is a  
19 service member or a dependent of a service member who resides at the  
20 service member's main residence, an electric utility, retail  
21 electric provider, power generation company, aggregator, or other  
22 entity that provides retail electric service to the residential  
23 customer shall provide a levelized payment plan for the residential  
24 customer. The service member or the service member's dependent  
25 must provide to the entity providing service a copy of the military  
26 orders calling the service member to active duty. The levelized  
27 payment plan must:

1           (1) allow the residential customer to negotiate a  
2 fixed monthly payment up to nine months equal to or greater than 75  
3 percent of the service member's average bill for the previous  
4 12-month period, and if the service member has resided at the  
5 location for less than 12 months, the entity that provides retail  
6 electric service to the residential customer may use an alternative  
7 method to calculate the average bill, such as the average billing at  
8 the same premise by a previous occupant;

9           (2) after the initial nine month or less payment plan,  
10 require payment of the customer's regular utility payment for a  
11 period not to exceed nine months;

12           (3) after the second nine-month period, require  
13 payment of the full deferred amount owed in equal monthly payments  
14 for a period not to exceed nine months; and

15           (4) prohibit the entity providing retail electric  
16 service from disconnecting service to the residential customer for  
17 nonpayment as long as the residential customer complies with the  
18 terms of the levelized payment plan.

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

26           SECTION 5. Subchapter F, Chapter 104, Utilities Code, is  
27 amended by adding Section 104.259 to read as follows:

1           Sec. 104.259. DISCONNECTION OF GAS SERVICE; CERTAIN MEMBERS  
2 OF ARMED SERVICES. (a) In this section:

3           (1) "Provider" means:

4                   (A) a gas utility, as defined by Sections 101.003  
5 and 121.001; and

6                   (B) an owner, operator, or manager of a mobile  
7 home park or apartment who purchases natural gas through a master  
8 meter for delivery to a dwelling unit in a mobile home park or  
9 apartment house under Chapter 124.

10           (2) "Service member" means a member of the Texas  
11 National Guard or a reserve component of the United States armed  
12 forces called to federal active duty for any national emergency or  
13 other deployment for a period of at least 180 days away from the  
14 primary residence.

15           (b) On the request of a residential customer who is a  
16 service member or a dependent of a service member who resides at the  
17 service member's main residence, a provider shall provide a  
18 levelized payment plan for the residential customer. The service  
19 member or the service member's dependent must provide to the  
20 provider a copy of the military orders calling the service member to  
21 active duty. The levelized payment plan must:

22                   (1) allow the residential customer to negotiate a  
23 fixed monthly payment up to nine months equal to or greater than 75  
24 percent of the service member's average bill for the previous  
25 12-month period, and if the service member has resided at the  
26 location for less than 12 months, the entity that provides retail  
27 electric service to the residential customer may use an alternative

1 method to calculate the average bill, such as the average billing at  
2 the same premise by a previous occupant;

3 (2) after the initial nine month or less payment plan,  
4 require payment of the customer's regular utility payment for a  
5 period not to exceed nine months;

6 (3) after the second nine-month period, require  
7 payment of the full deferred amount owed in equal monthly payments  
8 for a period not to exceed nine months; and

9 (4) prohibit the entity providing retail electric  
10 service from disconnecting service to the residential customer for  
11 nonpayment as long as the residential customer complies with the  
12 terms of the levelized payment plan.

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

20 SECTION 6. This Act takes effect September 1, 2005.