

1-1 By: Shapleigh S.B. No. 1735
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; May 10, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 10, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1735 By: Shapleigh

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to benefits and rights for certain members of the Texas
1-11 National Guard and armed forces of the United States.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 431.006, Government Code, is amended by
1-14 adding Subsection (e) to read as follows:

1-15 (e) The reemployment rights provided by this section apply
1-16 to a member of the national guard of another state who works in this
1-17 state if that state provides reemployment rights substantially
1-18 equivalent to those provided by this section to members of the state
1-19 military forces of Texas who work in that state. If necessary under
1-20 the law of another state to achieve the mutual reemployment rights
1-21 authorized by this subsection, the governor may enter into an
1-22 agreement with the governor of that state to provide the mutual
1-23 reemployment rights authorized by this subsection.

1-24 SECTION 2. Subchapter A, Chapter 2170, Government Code, is
1-25 amended by adding Section 2170.011 to read as follows:

1-26 Sec. 2170.011. PREPAID CALLING CARDS. (a) The department
1-27 shall sell or provide access to sources that sell prepaid long
1-28 distance calling cards to members of the Texas National Guard on
1-29 federal active duty and members of the armed forces of the United
1-30 States on active duty, and their families.

1-31 (b) The department may not sell a prepaid long distance
1-32 calling card for more than the cost of the card.

1-33 SECTION 3. (a) Subchapter L, Chapter 2301, Occupations
1-34 Code, is amended by adding Section 2301.557 to read as follows:

1-35 Sec. 2301.557. TERMINATION OF VEHICLE LEASE BY PERSON ON
1-36 ACTIVE DUTY IN MILITARY. (a) A member of the Texas National Guard
1-37 or a reserve component of the United States armed forces called to
1-38 federal active duty for a national emergency or other deployment
1-39 for a period of at least 180 days or the spouse of a member may
1-40 terminate a vehicle lease that is executed by or on behalf of the
1-41 member.

1-42 (b) A vehicle lease is not terminated under this section
1-43 until:

1-44 (1) the person described by Subsection (a) or the
1-45 person's spouse gives the lessor notice by certified mail, return
1-46 receipt requested, of the person's intent to terminate the lease
1-47 together with a copy of the military orders calling the person to
1-48 active duty; and

1-49 (2) the vehicle subject to the lease is returned to the
1-50 custody or control of the lessor not later than the 15th day after
1-51 the date of delivery of the notice.

1-52 (c) An unpaid lease amount for a period preceding the
1-53 effective date of the lease termination under this section shall be
1-54 paid on a prorated basis. The lessor may not impose an early
1-55 termination charge, but any taxes, costs of summons, and title or
1-56 registration fees and any other obligation and liability of the
1-57 lessee under the terms of the lease, including reasonable charges
1-58 to the lessee for excess wear, use, and mileage, that are due and
1-59 unpaid at the time of the lease termination shall be paid by the
1-60 lessee.

1-61 (d) The lessor shall refund to the lessee any lease amount
1-62 paid in advance by the lessee applicable to a period after the
1-63 effective date of the lease termination. The refund required by

2-1 this subsection must be paid not later than the 30th day after the
 2-2 effective date of the lease termination.

2-3 (b) Section 2301.557, Occupations Code, as added by this
 2-4 Act, applies only to a vehicle lease entered into on or after the
 2-5 effective date of this Act.

2-6 SECTION 4. Subchapter A, Chapter 17, Utilities Code, is
 2-7 amended by adding Section 17.008 to read as follows:

2-8 Sec. 17.008. RELIEF FOR CERTAIN MEMBERS OF ARMED FORCES.

2-9 (a) In this section, "service member" means a member of the Texas
 2-10 National Guard or a reserve component of the United States armed
 2-11 forces called to federal active duty for any national emergency or
 2-12 other deployment for a period of at least 180 days away from the
 2-13 primary residence.

2-14 (b) On the request of a residential customer who is a
 2-15 service member or a dependent of a service member who resides at the
 2-16 service member's main residence, an electric utility, retail
 2-17 electric provider, power generation company, aggregator, or other
 2-18 entity that provides retail electric service to the residential
 2-19 customer shall provide a levelized payment plan for the residential
 2-20 customer. The service member or the service member's dependent
 2-21 must provide to the entity providing service a copy of the military
 2-22 orders calling the service member to active duty. The levelized
 2-23 payment plan must:

2-24 (1) allow the residential customer to negotiate a
 2-25 fixed monthly payment up to nine months equal to or greater than 75
 2-26 percent of the service member's average bill for the previous
 2-27 12-month period, and if the service member has resided at the
 2-28 location for less than 12 months, the entity that provides retail
 2-29 electric service to the residential customer may use an alternative
 2-30 method to calculate the average bill, such as the average billing at
 2-31 the same premise by a previous occupant;

2-32 (2) after the initial nine month or less payment plan,
 2-33 require payment of the customer's regular utility payment for a
 2-34 period not to exceed nine months;

2-35 (3) after the second nine-month period, require
 2-36 payment of the full deferred amount owed in equal monthly payments
 2-37 for a period not to exceed nine months; and

2-38 (4) prohibit the entity providing retail electric
 2-39 service from disconnecting service to the residential customer for
 2-40 nonpayment as long as the residential customer complies with the
 2-41 terms of the levelized payment plan.

2-42 (c) This section does not prohibit a residential customer
 2-43 from entering into an alternative, mutually agreed upon, payment
 2-44 plan with an entity that provides retail electric service to the
 2-45 residential customer, nor does it prohibit the entity from offering
 2-46 other assistance programs in addition to a levelized payment plan,
 2-47 nor does it prohibit the customer from accelerating repayment of
 2-48 the deferred charges.

2-49 SECTION 5. Subchapter F, Chapter 104, Utilities Code, is
 2-50 amended by adding Section 104.259 to read as follows:

2-51 Sec. 104.259. DISCONNECTION OF GAS SERVICE; CERTAIN MEMBERS
 2-52 OF ARMED SERVICES. (a) In this section:

2-53 (1) "Provider" means:

2-54 (A) a gas utility, as defined by Sections 101.003
 2-55 and 121.001; and

2-56 (B) an owner, operator, or manager of a mobile
 2-57 home park or apartment who purchases natural gas through a master
 2-58 meter for delivery to a dwelling unit in a mobile home park or
 2-59 apartment house under Chapter 124.

2-60 (2) "Service member" means a member of the Texas
 2-61 National Guard or a reserve component of the United States armed
 2-62 forces called to federal active duty for any national emergency or
 2-63 other deployment for a period of at least 180 days away from the
 2-64 primary residence.

2-65 (b) On the request of a residential customer who is a
 2-66 service member or a dependent of a service member who resides at the
 2-67 service member's main residence, a provider shall provide a
 2-68 levelized payment plan for the residential customer. The service
 2-69 member or the service member's dependent must provide to the

3-1 provider a copy of the military orders calling the service member to
3-2 active duty. The levelized payment plan must:

3-3 (1) allow the residential customer to negotiate a
3-4 fixed monthly payment up to nine months equal to or greater than 75
3-5 percent of the service member's average bill for the previous
3-6 12-month period, and if the service member has resided at the
3-7 location for less than 12 months, the entity that provides retail
3-8 electric service to the residential customer may use an alternative
3-9 method to calculate the average bill, such as the average billing at
3-10 the same premise by a previous occupant;

3-11 (2) after the initial nine month or less payment plan,
3-12 require payment of the customer's regular utility payment for a
3-13 period not to exceed nine months;

3-14 (3) after the second nine-month period, require
3-15 payment of the full deferred amount owed in equal monthly payments
3-16 for a period not to exceed nine months; and

3-17 (4) prohibit the entity providing retail electric
3-18 service from disconnecting service to the residential customer for
3-19 nonpayment as long as the residential customer complies with the
3-20 terms of the levelized payment plan.

3-21 (c) This section does not prohibit a residential customer
3-22 from entering into an alternative, mutually agreed upon, payment
3-23 plan with an entity that provides retail electric service to the
3-24 residential customer, nor does it prohibit the entity from offering
3-25 other assistance programs in addition to a levelized payment plan,
3-26 nor does it prohibit the customer from accelerating repayment of
3-27 the deferred charges.

3-28 SECTION 6. This Act takes effect September 1, 2005.

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