

SENATE AMENDMENTS

2nd Printing

By: Guillen

H.B. No. 3066

A BILL TO BE ENTITLED

AN ACT

relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.

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

SECTION 1. Section 437.213, Government Code, is amended to read as follows:

Sec. 437.213. CERTAIN BENEFITS AND PROTECTIONS FOR STATE SERVICE. 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 is entitled to the same benefits and protections provided to persons:

(1) performing service in the uniformed services as provided by 38 U.S.C. Sections 4301-4313 and 4316-4319~~[, as that law existed on April 1, 2003]~~; and

(2) in the military service of the United States as provided by 50 ~~[App.]~~ U.S.C. Sections 3901-3959, 3991, and 4011-4026 ~~[501-536, 560, and 580-594, as that law existed on April 1, 2003]~~.

SECTION 2. The change in law made by this Act applies only to a service member of the Texas military forces who is serving on state active duty or on state training and other duty on the effective date of this Act or who is ordered to such duty on or after

1 that date.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2017.

Third Reading

ADOPTED

on 3rd Reading
MAY 22 2017

FLOOR AMENDMENT NO. 1

V V
Lataj Spaw BY: _____
Secretary of the Senate



1 Amend H.B. No. 3066 (senate committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION __. Title 12, Business & Commerce Code, is amended
5 by adding Chapter 606 to read as follows:

6 CHAPTER 606. SUSPENSION, TERMINATION, OR REINSTATEMENT OF
7 CERTAIN SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS

8 Sec. 606.001. DEFINITIONS. In this chapter:

9 (1) "Active duty military service" means:

10 (A) service as a member of the armed forces of
11 the United States;

12 (B) with respect to a member of the Texas
13 National Guard or the National Guard of another state or a
14 member of a reserve component of the armed forces of the United
15 States, active duty under an order of the president of the
16 United States; or

17 (C) state active duty as a member of the Texas
18 military forces.

19 (2) "Cable service," "cable service provider," "video
20 service," and "video service provider" have the meanings
21 assigned by Section 66.002, Utilities Code.

22 (3) "Health spa" has the meaning assigned by Section
23 702.003, Occupations Code.

24 (4) "Health spa services" has the meaning assigned to
25 the term "services" by Section 702.003, Occupations Code.

26 (5) "Health spa services provider" means a person
27 providing health spa services.

28 (6) "Internet service provider" has the meaning
29 assigned by Section 324.055.

1 (7) "Military service member" means:

2 (A) a member of the armed forces of the United
3 States;

4 (B) a member of the Texas National Guard or the
5 National Guard of another state serving on active duty under an
6 order of the president of the United States;

7 (C) a member of a reserve component of the armed
8 forces of the United States who is on active duty under an order
9 of the president of the United States; or

10 (D) a member of the Texas military forces
11 serving on state active duty.

12 (8) "Service provider" means a cable service
13 provider, a health spa services provider, an Internet service
14 provider, a telecommunications provider, or a video service
15 provider.

16 (9) "State active duty" and "Texas military forces"
17 have the meanings assigned by Section 437.001, Government Code.

18 (10) "Telecommunications provider" has the meaning
19 assigned by Section 51.002, Utilities Code.

20 Sec. 606.002. SUSPENSION OR TERMINATION OF CERTAIN
21 SERVICES FOR ACTIVE DUTY MILITARY SERVICE MEMBERS. (a) This
22 section applies only to the following services:

23 (1) cable service;

24 (2) health spa services;

25 (3) services providing connectivity to the Internet
26 or another wide area network;

27 (4) telecommunications services; and

28 (5) video service.

29 (b) Except as provided by Subsection (i), a military
30 service member who receives any of the services described by
31 Subsection (a) from a service provider and who is called to

1 active duty military service may suspend or terminate the
2 provision of the services by providing a written notice of
3 suspension or termination to the service provider and the
4 documentation required by Subsection (c).

5 (c) A military service member who provides to a service
6 provider a written notice of suspension or termination of a
7 service described by Subsection (a) shall also provide to the
8 service provider proof of the service member's official orders
9 calling the service member to active duty military service:

10 (1) at the time the service member provides the
11 written notice; or

12 (2) not later than the 90th day after the date on
13 which the service member provides the written notice, if
14 military necessity or circumstances make the provision of proof
15 at the time written notice is provided unreasonable or
16 impossible.

17 (d) A service provider shall suspend or terminate the
18 service provided by the service provider to a military service
19 member on:

20 (1) the same business day the service provider
21 receives a written notice of suspension or termination under
22 this section; or

23 (2) the next business day after the date the service
24 provider receives a written notice of suspension or termination
25 under this section, if the notice is received on the weekend or
26 a holiday.

27 (e) The suspension or termination of the service is
28 effective on the applicable suspension or termination date
29 prescribed by Subsection (d). Except as provided by Subsection
30 (f), a military service member is not liable for the payment of
31 any service suspended or terminated under this section after the

1 effective date of the suspension or termination unless and until
2 the service member reinstates the service as provided by Section
3 606.003.

4 (f) If a service provider does not receive the proof of
5 the official orders as required by Subsection (c), the service
6 provider may reinstate the suspended or terminated service. The
7 military service member who requested the suspension or
8 termination is liable for the payment of that service from the
9 original effective date of the suspension or termination until
10 the date the service member provides the required proof to the
11 service provider. The effective date of a suspension or
12 termination of a reinstated service as provided by this
13 subsection becomes the date on which the service provider
14 receives the required proof.

15 (g) Except as provided by this section, a service provider
16 may not charge a penalty, fee, loss of deposit, or any other
17 additional cost due to a suspension or termination of a service
18 under this section.

19 (h) A military service member may reinstate a service that
20 is suspended or terminated under this section in the manner
21 provided by Section 606.003.

22 (i) A military service member may terminate a contract for
23 cellular telephone service or telephone exchange service in the
24 manner provided by 50 U.S.C. Section 3956, if applicable.

25 Sec. 606.003. REINSTATEMENT OF CERTAIN SERVICES FOR ACTIVE
26 DUTY MILITARY SERVICE MEMBERS. (a) A military service member
27 who suspends or terminates a service under Section 606.002 and
28 whose period of active duty military service has ended may
29 reinstate the service by providing:

30 (1) a written notice of reinstatement to the service
31 provider of the suspended or terminated service; and

1 (2) a document evidencing proof of the date the
2 active duty military service ends not later than the 90th day
3 after the date on which the service member's active duty
4 military service ended.

5 (b) A service provider that receives a written notice of
6 reinstatement of a service and the documentation required by
7 Subsection (a)(2) shall:

8 (1) resume providing the same services the service
9 provider provided to the military service member on the same
10 terms and conditions agreed to by the service member and the
11 service provider before the suspension or termination of those
12 services took effect; or

13 (2) if the same services are no longer available,
14 provide services that are substantially similar to the services
15 that were suspended or terminated.

16 (c) A service provider shall reinstate a service as
17 provided by Subsection (b) within a reasonable time, but not
18 later than the 30th day after the date the service provider
19 receives a written notice of reinstatement.

20 (d) A service provider may not charge a penalty, fee, loss
21 of deposit, or other additional cost due to a reinstatement of
22 services under this section.

23 SECTION __. Chapter 606, Business & Commerce Code, as
24 added by this Act, applies only to a contract for services
25 entered into or renewed on or after the effective date of this
26 Act.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3066 by Guillen (Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code relating to benefits for members of the state military forces called to active state duty. No significant fiscal impact is anticipated in implementing the provisions of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, SLE, AI, MPU

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Border Security

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3066 by Guillen (Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.),
As Engrossed

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code relating to benefits for members of the state military forces called to active state duty.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, SLE, LBO, AI, MPU

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 29, 2017

TO: Honorable Roland Gutierrez, Chair, House Committee on Defense & Veterans' Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3066 by Guillen (Relating to certain benefits and protections for service members of the Texas military forces ordered to state active duty or to state training and other duty.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code relating to benefits for members of the state military forces called to active state duty.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, LBO, AI, MPU

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 11, 2017

TO: Honorable Roland Gutierrez, Chair, House Committee on Defense & Veterans' Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3066 by Guillen (Relating to benefits for members of the state military forces called to active state duty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Government Code relating to benefits for members of the state military forces called to active state duty.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 401 Military Department

LBB Staff: UP, LBO, AI, MPU