

BILL ANALYSIS

H.B. 4413
By: Buckley
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been notable burdens facing military service members, military spouses, and military veterans who have occupational licenses and who attempt to transfer their licenses from one state to another. These individuals face lengthy licensure processes, varying rules of eligibility and standards for acceptance, and differing documentation requirements for establishing residency. H.B. 4413 seeks to address this issue by revising the law relating to state occupational licensing of certain military service members, military veterans, and military spouses, including educator certification requirements, and by requiring a state occupational license study with respect to such individuals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education and the State Board for Educator Certification in SECTION 1 of this bill and to a state agency that issues a license that has a residency requirement in SECTION 3 of this bill.

ANALYSIS

H.B. 4413 amends the Education Code to authorize the commissioner of education to adopt rules establishing exceptions to examination requirements to obtain educator certification in Texas for an educator who is a military service member, military veteran, or military spouse. The bill revises the provision requiring the State Board for Educator Certification (SBEC) to propose rules for expediting the processing of an application for educator certification of an educator who is a military service member, military veteran, or military spouse by:

- specifying that such proposed rules are applicable to an educator who is a military service member, military veteran, or military spouse and removing the specification that such proposed rules are applicable only to a spouse of a person who is serving on active duty as a member of the U.S. armed forces;
- specifying that the proposed rules include rules for providing a permanent change of station or military identification card and removing the specification that such proposed rules provide for the appropriate documentation to establish the educator's status as a spouse of such a person; and
- requiring such rules to be proposed in accordance with Occupations Code provisions relating to expedited license procedures and expedited license renewal procedures for military service members, military veterans, or military spouses.

H.B. 4413 requires the SBEC to post on its website the required notice describing the statutory provisions relating to licensing of military service members, military veterans, and military spouses that are available to those persons.

H.B. 4413 amends the Government Code to require the Texas Veterans Commission (TVC) to conduct a study to:

- identify the occupational licenses for which a significant number of military service members, military veterans, or military spouses submit applications to licensing authorities in Texas; and
- examine the occupational licensing requirements of each identified licensing authority and identify opportunities for licensing authorities to:
 - accept substantially equivalent occupational licensing requirements for documentation, training, education, and experience from licensing authorities outside Texas to enable those individuals to obtain licensure in Texas; and
 - issue temporary licenses to those individuals who apply for a license and hold a current license issued by another jurisdiction that has licensing requirements substantially equivalent to those of Texas.

H.B. 4413 requires the TVC, not later than December 1, 2020, to prepare and submit to the governor, the lieutenant governor, and the legislature a report concerning the results of the state occupational license study, including any recommendations for legislative or other action the TVC considers necessary. The bill's provisions regarding the study expire September 1, 2021.

H.B. 4413 amends the Occupations Code to require a state agency, in adopting rules for the issuance of a license to license applicants who are military service members, military veterans, or military spouses, to ensure that such an applicant receives appropriate credit for the individual's experience, including clinical and professional experience, in a licensed profession.

H.B. 4413 requires a state agency that issues a license that has a residency requirement for license eligibility to adopt rules to allow a military service member or military spouse applicant to establish residency by providing to the agency a copy of the member's or spouse's permanent change of station order or military identification card.

H.B. 4413 requires a state agency that issues a license under such rules to notify the TVC immediately on determining that the requirements of a license of Texas are substantially equivalent to those of another jurisdiction.

H.B. 4413 requires the TVC, not later than January 1, 2020, to establish and maintain a website to serve as a single location for military service members, military veterans, and military spouses to access information regarding the issuance of a license by a state agency to such an individual who is licensed in another jurisdiction, including a list of each license of Texas and license of another jurisdiction that is determined by a state agency to be substantially equivalent.

H.B. 4413 repeals Section 2, Chapter 1048 (H.B. 1934), Acts of the 85th Legislature, Regular Session, 2017, which conditions the requirement that the SBEC implement the temporary certification of an educator from outside the state who is the spouse of an active duty military service member on an applicable legislative appropriation being made.

EFFECTIVE DATE

September 1, 2019.