

BILL ANALYSIS

Senate Research Center
84R7822 NC-F

S.B. 1307
By: Menéndez
Veteran Affairs & Military Installations
3/26/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state, through the Department of Licensing and Regulation and other regulatory agencies, issues licenses to individuals who seek careers in which certain knowledge and skills are required to perform their duties such as plumbing, nursing, electricians, public safety, et cetera. Veterans and military spouses significantly benefit from occupational licenses because of their unique life circumstances. Many veterans are trained in specialized skillsets like electrical engineering or medical training. Often, military spouses find careers which are easily transferable because their living situation is mobile and dependent on their significant other's deployment schedule. This makes occupational licensing careers like teaching, cosmetology, or nursing desirable because those licenses are transferable from state to state.

Chapter 55 (Licensing of Military Services Members, Military Veterans, and Military Spouses), Occupations Code, regulates the licensing of military service members, veterans, and military spouses. Given the overwhelming support of crediting military skills to occupational licenses, the 83rd Legislature passed six bills amending the Occupations Code. These bills while effective and important left the regulatory code with multiple titles, confusing definitions, and burdensome to interpret. S.B. 1307 would streamline the Occupations Code and ensure that every military spouse, veteran, and active duty service member get credit for their skills and have their occupational licenses expedited.

As proposed, S.B. 1307 amends current law relating to occupational licenses for military service members, military veterans, and military spouses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to state agencies that issue licenses in SECTION 5 (Section 55.004, Occupations Code) of this bill.

Rulemaking authority previously granted to state agencies that issue licenses is modified in SECTION 3 (Section 55.002, Occupations Code), SECTION 5 (Section 55.004, Occupations Code), and SECTION 8 (55.008, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts the heading to Chapter 55, Occupations Code, as amended by Chapters 66 (S.B. 162) and 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

SECTION 2. Amends Section 55.001, Occupations Code, as follows:

Sec. 55.001. DEFINITIONS. Defines, in this chapter, "active duty" and "armed forces of the United States," and redefines, in this chapter, "military service member," "military spouse," and "military veteran," and makes nonsubstantive changes.

SECTION 3. Amends Section 55.002, Occupations Code, as follows:

Sec. 55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE. Requires a state agency that issues a license to adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was serving as a military service member, rather than because the individual was on active duty in the United States armed forces serving outside this state.

SECTION 4. Amends Section 55.003, Occupations Code, as follows:

Sec. 55.003. New heading: EXTENSION OF LICENSE RENEWAL DEADLINES FOR MILITARY SERVICE MEMBERS. Entitles a military service member who holds a license to two years of additional time to complete any continuing education requirements, and any other requirement related to the renewal of the military service member's license, rather than entitles a person who holds a license, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority to an additional amount of time equal to the total number of years or parts of years that the person serves on active duty to complete any continuing education requirements and any other requirement related to the renewal of the person's license.

SECTION 5. Amends Section 55.004, Occupations Code, as follows:

Sec. 55.004. New heading: ALTERNATIVE LICENSING FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES. (a) Requires a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse, rather than to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States, and:

(1) holds a current license issued by another jurisdiction, rather than state, that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or

(2) within the five years preceding the application date held the license in this state, rather than held the license in this state that expired while the applicant lived in another state for at least six months.

(b) Authorizes the executive director of a state agency to waive any prerequisite to obtaining a license for an applicant described by Subsection (a) after reviewing the applicant's credentials.

(c) Authorizes, in addition to the rules adopted under Subsection (a), a state agency that issues a license to adopt rules that would establish alternate methods for a military service member, military veteran, or military spouse to demonstrate competency to meet the requirements for obtaining the license.

Deletes existing text requiring that rules adopted under this section include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license.

Deletes existing text authorizing the executive director of a state agency to issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under Section 51.404 (Endorsement; Reciprocity) to an applicant described by Subsection (a).

Makes a nonsubstantive change.

SECTION 6. Amends the heading to Section 55.005, Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES.

SECTION 7. Amends Section 55.005(a), Occupations Code, as added by Chapter 66 (S.B. 162), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

(a) Requires a state agency that issues a license, as soon as practicable after a military service member, military veteran, or military spouse files an application for a license, to:

(1) process the application; and

(2) issue the license to an applicant who qualifies for the license under Section 55.004, rather than issue a license to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

SECTION 8. Redesignates Section 55.005, Occupations Code, as added by Chapter 348 (H.B. 2254), Acts of the 83rd Legislature, Regular Session, 2013, as Section 55.008 and amends it as follows:

Sec. 55.008 APPRENTICESHIP REQUIREMENTS FOR APPLICANT WITH MILITARY EXPERIENCE. (a) Redesignates Section 55.005, as Section 55.008. Requires a state agency, notwithstanding any other law, if an apprenticeship is required for a license, rather than an occupational license, issued by a state agency, to credit verified military service, training, or education that is relevant to the occupation toward the apprenticeship requirements for the license.

(b) Requires the state agency to adopt rules necessary to implement this section.

SECTION 9. Amends the heading to Section 55.006, Occupations Code, to read as follows:

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SERVICE MEMBER, MILITARY VETERAN, OR MILITARY SPOUSE.

SECTION 10. Amends Chapter 55, Occupations Code, by adding Section 55.009, as follows:

Sec. 55.009. NOTICE OF CHAPTER PROVISIONS. Requires a state agency that issues a license to prominently post a notice on the home page of the agency's Internet website describing the provisions of this chapter that are available to military service members, military veterans, and military spouses.

SECTION 11. Provides that the changes in law made by this Act apply only to an application for an occupational license or renewal of an occupational license filed on or after January 1, 2016. Provides that an application for a license or for license renewal filed before January 1, 2016, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 13. Effective date: September 1, 2015.