

BILL ANALYSIS

S.B. 938

By: Barrientos

Defense Affairs and State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law requires preference be given to a veteran in the hiring process if two equally qualified applicants are being considered for employment with a state agency or public works project. Chapter 657 (Veteran's Employment Preferences), Government Code, outlines provisions defining eligibility, application, and reporting requirements. The chapter does not, however, provide for enforcement. S.B. 938 establishes an enforcement provision authorizing an eligible veteran to petition in district court if the veteran believes the preference was ignored. This bill also requires the district attorney, criminal district attorney, or county attorney to act on behalf of an eligible veteran and requires the court to order a speedy hearing.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Government Code by adding a heading to read as follows: SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Authorizes a district court, in the district in which a public official fails to comply with a provision of this chapter, to require the public official to comply with the provision on the filing of an appropriate pleading by an individual entitled to a benefit under the provision.

The bill requires the court to order a speedy hearing and to advance the hearing on the schedule.

This bill requires the appropriate district attorney, criminal district attorney, or county attorney, on application by an individual the district attorney, criminal district attorney, or county attorney reasonably believes is entitled to a benefit under a provision of this chapter, to appear and act as an attorney for the individual in an amicable adjustment of the claim, or to file or prosecute an appropriate pleading specifically requiring compliance with the provision.

The bill also prohibits a person applying for preference under this chapter from being charged court costs or fees for a pleading filed under Section 657.051 (Compliance With Law; Hearing).

SECTION 3. Effective date: September 1, 2003.