

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2335
By: Corte (Shapleigh)
Veterans Affairs & Military Installations
5/20/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2335 directs state agencies to assess the programs that they have to see how their programs can support defense base communities that have been affected either adversely or positively by the BRAC decisions, and to assign a liaison to work with those communities. The bill also exempts a person who returns from active duty in the armed forces of the United States, and registers in an institution of higher education before the expiration of 12 months following the date the person is released from active duty, from the 12-month residency requirement to qualify for in-state tuition rates, if other requirements are met.

In addition, the bill exempts a member or dependent of a member of the United States armed forces serving in Texas applying for a Texas real estate broker or salesperson license from the education requirements that are required of all other applicants.

The bill also removes the prohibition on the Texas Real Estate Commission from waiving the requirements for real estate broker or salesperson license renewal under this section for any applicant

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 7, Education Code, by adding Section 7.029, as follows:

Sec. 7.029. TRANSITION ASSISTANCE FOR CHILDREN OF CERTAIN MILITARY PERSONNEL. (a) Requires the Texas Education Agency (TEA) to identify states and schools operated by the United States Department of Defense from which a significant number of students are transferring to school districts in this state following the closure or realignment of a military base in the state containing the school operated by the United States Department of Defense under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687).

(b) Requires TEA to provide appropriate transition assistance for students transferring to school districts in this state from a state or a school operated by the United States Department of Defense identified under Subsection (a) and pursue appropriate education reciprocity agreements with the United States Department of Defense and each state identified under Subsection (a), giving priority to agreements with states generating the largest number of transfer students.

(c) Requires TEA, not later than January 1 of each year, to report the results of its efforts to enter into reciprocity agreements in compliance with this section to the presiding officers of the standing committees of the senate and house of representatives with primary authority over military and education issues.

SECTION 2. Amends Section 21.052(a), Education Code, to include a certificate issued by the United States Department of Defense amongst the certificates that the State Board for Educator

Certification (SBEC) is authorized to recognize when considering issuing a certificate to an educator.

SECTION 3. Amends Subchapter B, Chapter 21, Education Code, by adding Section 21.0521, as follows:

Sec. 21.0521. CERTIFICATION OF CERTAIN DEPENDENTS OF MILITARY PERSONNEL. (a) Requires SBEC to issue a one-year educator certificate to a person who is a dependent of military personnel, applies for a certificate under this section, and meets the requirements for educator certification under Section 21.052. Provides that a one-year certificate issued under this section expires on the first anniversary of the date the certificate is issued. Requires SBEC to charge the dependent certain fees

(b) Requires SBEC to identify states from which a significant number of teachers are applying for a one-year educator certificate. Requires SBEC to pursue reciprocity agreements relating to teacher certification with the United States Department of Defense and each state identified under this subsection, giving priority to agreements with states generating the largest number of teachers applying for a one-year educator certificate.

(c) Requires SBEC, not later than January 1 of each year, to report the results of its efforts to enter into reciprocity agreements in compliance with this section to the presiding officers of the standing committees of the senate and house of representatives with primary authority over military and education issues.

SECTION 4. (a) Amends Section 54.203 (Veterans, Dependents, Etc.), Education Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

(a) Replaces "citizens of Texas" with "residents of Texas," and provides an exception by Subsection (a-1).

(a-1) Provides that, notwithstanding Subsection (a), a person who returns from active duty in the armed forces of the United States and registers in an institution of higher education before the expiration of 12 months following the date the person is released from active duty is not subject to the usual 12-months residence requirement and is immediately eligible for the exemption provided under that subsection if the person meets the other residency requirements of that subsection.

(b) Makes conforming and nonsubstantive changes.

(b) Makes application of this Act prospective to the 2005 fall semester.

SECTION 5. Amends Subchapter F, Chapter 401, Government Code, by adding Section 401.105, as follows:

Sec. 401.105. ASSISTANCE TO DEFENSE COMMUNITIES. Requires the office of the governor to provide information to defense base communities about economic development incentives and opportunities offered by the state and how the communities may take advantage of those opportunities.

SECTION 6. Amends Chapter 486, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. STATE AGENCY RESPONSIBILITIES

Sec. 486.151. DEFINITIONS. Defines "defense community" and "state agency."

Sec. 486.152. ASSESSMENT OF PROGRAM. Requires each state agency to assess its programs and determine the effect of these programs on defense communities that have been adversely or positively affected by defense base closure or realignment decisions made in 2005.

Sec. 486.153. STATE AGENCY LIAISON. (a) Requires a state agency that determines that one or more of its programs has an effect on a defense community as described by Section 486.152 to appoint one or more agency employees to serve as a liaison between the agency and the defense community and base-transition representatives.

(b) Requires an agency liaison under Subsection (a), not later than January 1, 2006, to contact each defense community affected by a base closure or realignment in 2005 and provide information regarding agency services available to defense communities, displaced workers, and incoming military service members and their families, as applicable.

Sec. 486.154. REPORTS. Requires a state agency described by Section 486.153 to include a description of certain information in its annual report under Section 2101.0115 (Other Information Required of State Agencies).

Sec. 486.155. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2007.

SECTION 7. (a) Amends Subchapter G, Chapter 505, Occupations Code, by adding Sections 505.3531 and 505.3532, as follows:

Sec. 505.3531. HOURS OF REQUIRED SUPERVISION. (a) Entitles a person who is a member of the United States armed forces or who is the dependent of a person who is a member of the United States armed forces to receive credit for any hours of required supervision that are earned in another state or country in order to fulfill the eligibility requirements provided under Section 505.353 (Eligibility) or rules adopted under this chapter.

(b) Requires the Texas State Board of Social Worker Examiners (board) to accept the hours of required supervision of a person who qualifies for credit under Subsection (a) without requiring preapproval of the hours.

Sec. 505.3532. RECIPROCAL LICENSE. (a) Authorizes the board to waive any license requirement for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license from another state that has license requirements substantially equivalent to those of this state.

(b) Requires the board to complete the processing of an application for a license under this section not later than the 30th day after the date the application is submitted to the board.

(c) Requires the board, not later than January 1 of each year, to file a report with the presiding officers of the standing committees of the senate and house of representatives with primary authority over military issues and occupational licensing issues relating to reciprocal licenses. Requires the report to include the number of applications filed, the number of licenses issued, and the state in which the applicant was licensed before applying under this section.

(b) Makes application of the change in law made by this Act severing license eligibility under Chapter 505, Occupations Code, prospective.

SECTION 8. Amends Subchapter H, Chapter 1101 (Real Estate Brokers and Salespersons), Occupations Code, by adding Sections 1101.3605 and 1101.3606, as follows:

Sec. 1101.3605. ELIGIBILITY REQUIREMENTS FOR NONRESIDENT APPLICANTS FOR BROKER LICENSE; ARMED FORCES OR DEPENDENTS. Provides that an applicant for a broker license who does not satisfy the education or residency requirements of this chapter is eligible for the license if the applicant provides to the commission satisfactory evidence that the applicant:

- (1) is a licensed real estate broker in another state;
- (2) is a member or dependent of a member of the United States armed forces serving in Texas;
- (3) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity; and
- (4) demonstrates competence based on an examination under Subchapter I.

Sec. 1101.3606. ELIGIBILITY REQUIREMENTS FOR NONRESIDENT APPLICANTS FOR SALESPERSON LICENSE; ARMED FORCES OR DEPENDENTS. Provides that an applicant for a salesperson license who does not satisfy the education or residency requirements of this chapter is eligible for the license if the applicant provides to the commission satisfactory evidence that the applicant:

- (1) is a licensed real estate broker or salesperson in another state;
- (2) is a member or dependent of a member of the United States armed forces serving in Texas;
- (3) satisfies the commission as to the applicant's honesty, trustworthiness, and integrity; and
- (4) demonstrates competence based on an examination under Subchapter I.

SECTION 9. Amends Section 1101.454(d), Occupations Code, to authorize the Texas Real Estate Commission (commission) to waive the requirements for renewal under this section for an applicant who is issued a license under Section 1101.3605 or 1101.3606, rather than prohibiting the commission from waiving the requirements for renewal under this section for any applicant.

SECTION 10. Amends Section D, Chapter 201, Transportation Code, by adding Section 201.210, as follows:

Sec. 201.210. COOPERATION WITH MILITARY COMMUNITIES. Requires the Texas Department of Transportation (TxDOT) to initiate efforts to cooperate with a community in which a military base is located to develop a long-range and a short-range transportation plan in order to make the traffic flow within the community more efficient and make the military transportation needs of the base a priority. Requires TxDOT to consider certain factors in determining the transportation needs of the community.

SECTION 11. Effective date: September 1, 2005.