

1-1 By: Corte (Senate Sponsor - Shapleigh) H.B. No. 2335
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Subcommittee on Base
1-4 Realignment and Closure; May 13, 2005, reported favorably to
1-5 Committee on Veteran Affairs and Military Installations;
1-6 May 20, 2005, reported adversely, with favorable Committee
1-7 Substitute from Committee on Veteran Affairs and Military
1-8 Installations by the following vote: Yeas 4, Nays 0; May 20, 2005,
1-9 sent to printer.)

1-10 COMMITTEE SUBSTITUTE FOR H.B. No. 2335 By: Shapleigh

1-11 A BILL TO BE ENTITLED
1-12 AN ACT

1-13 relating to certain duties of state agencies with regard to members
1-14 of the United States armed forces and their dependents and the
1-15 communities in which they reside.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Subchapter B, Chapter 7, Education Code, is
1-18 amended by adding Section 7.029 to read as follows:

1-19 Sec. 7.029. TRANSITION ASSISTANCE FOR CHILDREN OF CERTAIN
1-20 MILITARY PERSONNEL. (a) The agency shall identify states and
1-21 schools operated by the United States Department of Defense from
1-22 which a significant number of students are transferring to school
1-23 districts in this state following the closure or realignment of a
1-24 military base in the state containing the school operated by the
1-25 United States Department of Defense under the Defense Base Closure
1-26 and Realignment Act of 1990 (10 U.S.C. Section 2687).

1-27 (b) The agency shall:

1-28 (1) provide appropriate transition assistance for
1-29 students transferring to school districts in this state from a
1-30 state or a school operated by the United States Department of
1-31 Defense identified under Subsection (a); and

1-32 (2) pursue appropriate education reciprocity
1-33 agreements with the United States Department of Defense and each
1-34 state identified under Subsection (a), giving priority to
1-35 agreements with states generating the largest number of transfer
1-36 students.

1-37 (c) Not later than January 1 of each year, the agency shall
1-38 report the results of its efforts to enter into reciprocity
1-39 agreements in compliance with this section to the presiding
1-40 officers of the standing committees of the senate and house of
1-41 representatives with primary authority over military and education
1-42 issues.

1-43 SECTION 2. Section 21.052(a), Education Code, is amended to
1-44 read as follows:

1-45 (a) The board may issue a certificate to an educator who:

1-46 (1) holds:

1-47 (A) a degree issued by an institution accredited
1-48 by a regional accrediting agency or group that is recognized by a
1-49 nationally recognized accreditation board; or

1-50 (B) a degree issued by an institution located in
1-51 a foreign country, if the degree is equivalent to a degree described
1-52 by Paragraph (A);

1-53 (2) holds an appropriate certificate or other
1-54 credential issued by another state or country or the United States
1-55 Department of Defense; and

1-56 (3) performs satisfactorily on:

1-57 (A) the examination prescribed under Section
1-58 21.048; or

1-59 (B) if the educator holds a certificate or other
1-60 credential issued by another state or country or the United States
1-61 Department of Defense, an examination similar to and at least as
1-62 rigorous as that described by Paragraph (A) administered to the
1-63 educator under the authority of that state or country or the United

2-1 States Department of Defense.

2-2 SECTION 3. Subchapter B, Chapter 21, Education Code, is
2-3 amended by adding Section 21.0521 to read as follows:

2-4 Sec. 21.0521. CERTIFICATION OF CERTAIN DEPENDENTS OF
2-5 MILITARY PERSONNEL. (a) The board shall issue a one-year educator
2-6 certificate to a person who is a dependent of military personnel,
2-7 applies for a certificate under this section, and meets the
2-8 requirements for educator certification under Section 21.052. A
2-9 one-year certificate issued under this section expires on the first
2-10 anniversary of the date the certificate is issued. The board shall
2-11 charge the dependent a fee of not more than:

2-12 (1) \$25 for the one-year certificate; and

2-13 (2) \$50 for a review of the dependent's educator
2-14 certificate from another jurisdiction.

2-15 (b) The board shall identify states from which a significant
2-16 number of teachers are applying for a one-year educator
2-17 certificate. The board shall pursue reciprocity agreements
2-18 relating to teacher certification with the United States Department
2-19 of Defense and each state identified under this subsection, giving
2-20 priority to agreements with states generating the largest number of
2-21 teachers applying for a one-year educator certificate.

2-22 (c) Not later than January 1 of each year, the board shall
2-23 report the results of its efforts to enter into reciprocity
2-24 agreements in compliance with this section to the presiding
2-25 officers of the standing committees of the senate and house of
2-26 representatives with primary authority over military and education
2-27 issues.

2-28 SECTION 4. (a) Section 54.203, Education Code, is amended
2-29 by amending Subsections (a) and (b) and adding Subsection (a-1) to
2-30 read as follows:

2-31 (a) The governing board of each institution of higher
2-32 education shall exempt the following persons from the payment of
2-33 all dues, fees, and charges, including fees for correspondence
2-34 courses but excluding property deposit fees, student services fees,
2-35 and any fees or charges for lodging, board, or clothing, provided
2-36 the persons seeking the exemptions were residents [~~citizens~~]
2-37 of Texas at the time they entered the services indicated and, except as
2-38 provided by Subsection (a-1), have resided in Texas for at least the
2-39 period of 12 months before the date of registration:

2-40 (1) all nurses and honorably discharged members of the
2-41 armed forces of the United States who served during the
2-42 Spanish-American War or during World War I;

2-43 (2) all nurses, members of the Women's Army Auxiliary
2-44 Corps, members of the Women's Auxiliary Volunteer Emergency
2-45 Service, and all honorably discharged members of the armed forces
2-46 of the United States who served during World War II except those who
2-47 were discharged from service because they were over the age of 38 or
2-48 because of a personal request on the part of the person that he be
2-49 discharged from service;

2-50 (3) all honorably discharged men and women of the
2-51 armed forces of the United States who served during the national
2-52 emergency which began on June 27, 1950, and which is referred to as
2-53 the Korean War; and

2-54 (4) all persons who were honorably discharged from the
2-55 armed forces of the United States after serving on active military
2-56 duty, excluding training, for more than 180 days and who served a
2-57 portion of their active duty during:

2-58 (A) the Cold War which began on the date of the
2-59 termination of the national emergency cited in Subdivision (3) of
2-60 this subsection;

2-61 (B) the Vietnam era which began on December 21,
2-62 1961, and ended on May 7, 1975;

2-63 (C) the Grenada and Lebanon era which began on
2-64 August 24, 1982, and ended on July 31, 1984;

2-65 (D) the Panama era which began on December 20,
2-66 1989, and ended on January 21, 1990;

2-67 (E) the Persian Gulf War which began on August 2,
2-68 1990, and ends on the date thereafter prescribed by Presidential
2-69 proclamation or September 1, 1997, whichever occurs first; or

3-1 (F) any future national emergency declared in
3-2 accordance with federal law.

3-3 (a-1) Notwithstanding Subsection (a), a person who returns
3-4 from active duty in the armed forces of the United States and
3-5 registers in an institution of higher education before the
3-6 expiration of 12 months following the date the person is released
3-7 from active duty is not subject to the requirement that the person
3-8 reside in this state for at least 12 months immediately preceding
3-9 the date of the person's registration and is immediately eligible
3-10 for the exemption provided under that subsection if the person
3-11 meets the other residency requirements of that subsection.

3-12 (b) The exemptions provided for in Subsection (a) [~~of this~~
3-13 ~~section~~] also apply [~~and inure~~] to [~~the benefit of~~] the children of
3-14 members of the armed forces of the United States who are or were
3-15 killed in action, who [~~die or~~] died while in service, who are
3-16 missing in action, or whose death is documented to be directly
3-17 caused by illness or injury connected with service in the armed
3-18 forces of the United States, and to the children [~~benefit of~~
3-19 ~~orphans~~] of members of the Texas National Guard and the Texas Air
3-20 National Guard who were killed since January 1, 1946, while on
3-21 active duty either in the service of their state or the United
3-22 States. However, to qualify for this exemption a person must be a
3-23 resident [~~citizen~~] of Texas and must have resided in the state for
3-24 at least 12 months immediately preceding the date of the person's
3-25 registration.

3-26 (b) Section 54.203, Education Code, as amended by this Act,
3-27 applies beginning with tuition and other fees charged for the 2005
3-28 fall semester. Tuition and other fees charged for an academic
3-29 period before the 2005 fall semester are covered by the law in
3-30 effect immediately before the effective date of this Act, and the
3-31 former law is continued in effect for that purpose.

3-32 SECTION 5. Subchapter F, Chapter 401, Government Code, is
3-33 amended by adding Section 401.105 to read as follows:

3-34 Sec. 401.105. ASSISTANCE TO DEFENSE COMMUNITIES. The
3-35 office of the governor shall provide information to defense base
3-36 communities about economic development incentives and
3-37 opportunities offered by the state and how the communities may take
3-38 advantage of those opportunities.

3-39 SECTION 6. Chapter 486, Government Code, is amended by
3-40 adding Subchapter D to read as follows:

3-41 SUBCHAPTER D. STATE AGENCY RESPONSIBILITIES

3-42 Sec. 486.151. DEFINITIONS. In this subchapter:

3-43 (1) "Defense community" has the meaning assigned by
3-44 Section 397.001, Local Government Code.

3-45 (2) "State agency" means a department, commission,
3-46 board, office, authority, council, or other agency in the executive
3-47 branch of state government, including a university system or
3-48 institution of higher education as defined by Section 61.003,
3-49 Education Code.

3-50 Sec. 486.152. ASSESSMENT OF PROGRAM. Each state agency
3-51 shall assess its programs and determine the effect of these
3-52 programs on defense communities that have been adversely or
3-53 positively affected by defense base closure or realignment
3-54 decisions made in 2005.

3-55 Sec. 486.153. STATE AGENCY LIAISON. (a) A state agency
3-56 that determines that one or more of its programs has an effect on a
3-57 defense community as described by Section 486.152 shall appoint one
3-58 or more agency employees to serve as a liaison between the agency
3-59 and the defense community and base-transition representatives.

3-60 (b) Not later than January 1, 2006, an agency liaison under
3-61 Subsection (a) shall contact each defense community affected by a
3-62 base closure or realignment in 2005 and provide information
3-63 regarding agency services available to defense communities,
3-64 displaced workers, and incoming military service members and their
3-65 families, as applicable.

3-66 Sec. 486.154. REPORTS. A state agency described by Section
3-67 486.153 shall include in its annual report under Section 2101.0115
3-68 a description of:

3-69 (1) the steps the agency has taken to assist defense

4-1 communities and military service members and their dependents after
4-2 a base closure or realignment and the tangible results of these
4-3 efforts in each community; and

4-4 (2) the agency's ongoing efforts to assist defense
4-5 communities in the future.

4-6 Sec. 486.155. EXPIRATION OF SUBCHAPTER. This subchapter
4-7 expires September 1, 2007.

4-8 SECTION 7. (a) Subchapter G, Chapter 505, Occupations
4-9 Code, is amended by adding Sections 505.3531 and 505.3532 to read as
4-10 follows:

4-11 Sec. 505.3531. HOURS OF REQUIRED SUPERVISION. (a) A person
4-12 who is a member of the United States armed forces or who is the
4-13 dependent of a person who is a member of the United States armed
4-14 forces is entitled to receive credit for any hours of required
4-15 supervision that are earned in another state or country in order to
4-16 fulfill the eligibility requirements provided under Section
4-17 505.353 or rules adopted under this chapter.

4-18 (b) The board shall accept the hours of required supervision
4-19 of a person who qualifies for credit under Subsection (a) without
4-20 requiring preapproval of the hours.

4-21 Sec. 505.3532. RECIPROCAL LICENSE. (a) The board may waive
4-22 any license requirement for an applicant after reviewing the
4-23 applicant's credentials and determining that the applicant holds a
4-24 license from another state that has license requirements
4-25 substantially equivalent to those of this state.

4-26 (b) The board shall complete the processing of an
4-27 application for a license under this section not later than the 30th
4-28 day after the date the application is submitted to the board.

4-29 (c) Not later than January 1 of each year, the board shall
4-30 file a report with the presiding officers of the standing
4-31 committees of the senate and house of representatives with primary
4-32 authority over military issues and occupational licensing issues
4-33 relating to reciprocal licenses. The report must include the
4-34 number of applications filed, the number of licenses issued, and
4-35 the state in which the applicant was licensed before applying under
4-36 this section.

4-37 (b) The change in law made by this Act governing eligibility
4-38 of a person for a license under Chapter 505, Occupations
4-39 Code, applies only to a license application filed with the Texas State
4-40 Board of Social Worker Examiners under Chapter 505, Occupations
4-41 Code, as amended by this Act, on or after the effective date of this
4-42 Act. A license application filed before the effective date of this
4-43 Act is governed by the law in effect at the time the application was
4-44 filed, and the former law is continued in effect for that purpose.

4-45 SECTION 8. Subchapter H, Chapter 1101, Occupations Code, is
4-46 amended by adding Sections 1101.3605 and 1101.3606 to read as
4-47 follows:

4-48 Sec. 1101.3605. ELIGIBILITY REQUIREMENTS FOR NONRESIDENT
4-49 APPLICANTS FOR BROKER LICENSE; ARMED FORCES OR DEPENDENTS. An
4-50 applicant for a broker license who does not satisfy the education or
4-51 residency requirements of this chapter is eligible for the license
4-52 if the applicant provides to the commission satisfactory evidence
4-53 that the applicant:

4-54 (1) is a licensed real estate broker in another state;

4-55 (2) is a member or dependent of a member of the United
4-56 States armed forces serving in Texas;

4-57 (3) satisfies the commission as to the applicant's
4-58 honesty, trustworthiness, and integrity; and

4-59 (4) demonstrates competence based on an examination
4-60 under Subchapter I.

4-61 Sec. 1101.3606. ELIGIBILITY REQUIREMENTS FOR NONRESIDENT
4-62 APPLICANTS FOR SALESPERSON LICENSE; ARMED FORCES OR DEPENDENTS. An
4-63 applicant for a salesperson license who does not satisfy the
4-64 education or residency requirements of this chapter is eligible for
4-65 the license if the applicant provides to the commission
4-66 satisfactory evidence that the applicant:

4-67 (1) is a licensed real estate broker or salesperson in
4-68 another state;

4-69 (2) is a member or dependent of a member of the United

5-1 States armed forces serving in Texas;
5-2 (3) satisfies the commission as to the applicant's
5-3 honesty, trustworthiness, and integrity; and
5-4 (4) demonstrates competence based on an examination
5-5 under Subchapter I.

5-6 SECTION 9. Section 1101.454(d), Occupations Code, is
5-7 amended to read as follows:

5-8 (d) The commission may [~~not~~] waive the requirements for
5-9 renewal under this section for an applicant who is issued a license
5-10 under Section 1101.3605 or 1101.3606.

5-11 SECTION 10. Subchapter D, Chapter 201, Transportation Code,
5-12 is amended by adding Section 201.210 to read as follows:

5-13 Sec. 201.210. COOPERATION WITH MILITARY COMMUNITIES. The
5-14 department shall initiate efforts to cooperate with a community in
5-15 which a military base is located to develop a long-range and a
5-16 short-range transportation plan in order to make the traffic flow
5-17 within the community more efficient and make the military
5-18 transportation needs of the base a priority. In determining the
5-19 transportation needs of the community, the department shall
5-20 consider:

5-21 (1) the input of members of the community; and
5-22 (2) the character and extent of the military
5-23 operations conducted at the base.

5-24 SECTION 11. This Act takes effect September 1, 2005.

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