

BILL ANALYSIS

Senate Research Center
81R28813 MCK-D

C.S.H.B. 1043
By: Orr et al. (Nelson)
Business & Commerce
5/19/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Each year hundreds of children "age out" of the foster care system. They are far more likely than other youth to be unemployed and become homeless. This legislation establishes a hiring preference at state agencies for individuals who were in the state foster care system on the day before they turn 18 years of age. The preference applies when two applicants vie for the same position, and only prefers the former foster youth if the other applicant does not have a superior qualification.

C.S.H.B. 1043 relates to the creation of business opportunities for certain former foster children.

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 Subtitle B, Title 6, Government Code, by adding Chapter 672, as follows:

CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

Sec. 672.001. DEFINITION. Defines "state agency" in this chapter.

Sec. 672.002. EMPLOYMENT PREFERENCE. (a) Entitles an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services (DFPS) on the day preceding the individual's 18th birthday to a preference in employment with a state agency over other applicants for the same position who do not have a greater qualification.

(b) Provides that this chapter does not apply to the position of private secretary or deputy of an official or department or an individual holding a strictly confidential relation to the employing officer.

Sec. 672.003. FEDERAL LAW AND GRANTS. Requires that this chapter, to the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a state agency, be construed to operate in harmony with the federal law or limitation of the federal grant.

Sec. 672.004. COMPLAINT REGARDING EMPLOYMENT DECISION OF STATE AGENCY. (a) Authorizes an individual entitled to an employment preference under this chapter who is aggrieved by a decision of a state agency to which this chapter applies relating to hiring the individual, or relating to retaining the individual if the state agency reduces its workforce, to appeal the decision by filing a written complaint with the governing body of the state agency under this section.

(b) Requires the governing body of a state agency that receives a written complaint under Subsection (a) to respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. Authorizes the governing body to render a different hiring decision than the decision that is

the subject of the complaint if the governing body determines that the employment preference under this chapter was not applied.

Sec. 672.005. AGE LIMIT. Entitles an individual to an employment preference under this chapter only if the individual is 25 years of age or younger.

SECTION 2. Amends Section 2303.402(c), Government Code, to provide that an economically disadvantaged individual is an individual who, for the purposes of this section, was under the permanent managing conservatorship of DFPS on the day preceding the individual's 18th birthday.

SECTION 3. Effective date: September 1, 2009.