

1 AN ACT

2 relating to the creation of business opportunities for certain
3 former foster children.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle B, Title 6, Government Code, is amended
6 by adding Chapter 672 to read as follows:

7 CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

8 Sec. 672.001. DEFINITION. In this chapter, "state agency"
9 means a department, commission, board, office, or other agency in
10 the executive branch of state government created by the state
11 constitution or a state statute, including an institution of higher
12 education as defined by Section 61.003, Education Code.

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

19 (b) This chapter does not apply to:

20 (1) the position of private secretary or deputy of an
21 official or department; or

22 (2) an individual holding a strictly confidential
23 relation to the employing officer.

24 Sec. 672.003. FEDERAL LAW AND GRANTS. To the extent that

1 this chapter conflicts with federal law or a limitation provided by
2 a federal grant to a state agency, this chapter shall be construed
3 to operate in harmony with the federal law or limitation of the
4 federal grant.

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

13 (b) The governing body of a state agency that receives a
14 written complaint under Subsection (a) shall respond to the
15 complaint not later than the 15th business day after the date the
16 governing body receives the complaint. The governing body may
17 render a different hiring decision than the decision that is the
18 subject of the complaint if the governing body determines that the
19 employment preference under this chapter was not applied.

20 Sec. 672.005. AGE LIMIT. An individual is entitled to an
21 employment preference under this chapter only if the individual is
22 25 years of age or younger.

23 SECTION 2. Section 2303.402(c), Government Code, is amended
24 to read as follows:

25 (c) For the purposes of this section, an economically
26 disadvantaged individual is an individual who:

27 (1) was unemployed for at least three months before

1 obtaining employment with the qualified business;

2 (2) receives public assistance benefits, including
3 welfare payments or food stamps, based on need and intended to
4 alleviate poverty;

5 (3) is a low-income individual, as defined by Section
6 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

7 (4) is an individual with a disability, as defined
8 by 29 U.S.C. Section 705(20)(A);

9 (5) is an inmate, as defined by Section 498.001;

10 (6) is entering the workplace after being confined in
11 a facility operated by the institutional division of the Texas
12 Department of Criminal Justice or under contract with the Texas
13 Department of Criminal Justice;

14 (7) has been released by the Texas Youth Commission
15 and is on parole, if state law provides for such a person to be on
16 parole; ~~or~~

17 (8) meets the current low income or moderate income
18 limits developed under Section 8, United States Housing Act of 1937
19 (42 U.S.C. Section 1437f et seq.); or

20 (9) was under the permanent managing conservatorship
21 of the Department of Family and Protective Services on the day
22 preceding the individual's 18th birthday.

23 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1043 was passed by the House on April 21, 2009, by the following vote: Yeas 139, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1043 on May 29, 2009, by the following vote: Yeas 136, Nays 2, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1043 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor