

1-1 By: Orr, et al. (Senate Sponsor - Nelson) H.B. No. 1043
1-2 (In the Senate - Received from the House April 22, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 21, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1043 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of business opportunities for certain
1-11 former foster children.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle B, Title 6, Government Code, is amended
1-14 by adding Chapter 672 to read as follows:

1-15 CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

1-16 Sec. 672.001. DEFINITION. In this chapter, "state agency"
1-17 means a department, commission, board, office, or other agency in
1-18 the executive branch of state government created by the state
1-19 constitution or a state statute, including an institution of higher
1-20 education as defined by Section 61.003, Education Code.

1-21 Sec. 672.002. EMPLOYMENT PREFERENCE. (a) An individual
1-22 who was under the permanent managing conservatorship of the
1-23 Department of Family and Protective Services on the day preceding
1-24 the individual's 18th birthday is entitled to a preference in
1-25 employment with a state agency over other applicants for the same
1-26 position who do not have a greater qualification.

1-27 (b) This chapter does not apply to:

1-28 (1) the position of private secretary or deputy of an
1-29 official or department; or

1-30 (2) an individual holding a strictly confidential
1-31 relation to the employing officer.

1-32 Sec. 672.003. FEDERAL LAW AND GRANTS. To the extent that
1-33 this chapter conflicts with federal law or a limitation provided by
1-34 a federal grant to a state agency, this chapter shall be construed
1-35 to operate in harmony with the federal law or limitation of the
1-36 federal grant.

1-37 Sec. 672.004. COMPLAINT REGARDING EMPLOYMENT DECISION OF
1-38 STATE AGENCY. (a) An individual entitled to an employment
1-39 preference under this chapter who is aggrieved by a decision of a
1-40 state agency to which this chapter applies relating to hiring the
1-41 individual, or relating to retaining the individual if the state
1-42 agency reduces its workforce, may appeal the decision by filing a
1-43 written complaint with the governing body of the state agency under
1-44 this section.

1-45 (b) The governing body of a state agency that receives a
1-46 written complaint under Subsection (a) shall respond to the
1-47 complaint not later than the 15th business day after the date the
1-48 governing body receives the complaint. The governing body may
1-49 render a different hiring decision than the decision that is the
1-50 subject of the complaint if the governing body determines that the
1-51 employment preference under this chapter was not applied.

1-52 Sec. 672.005. AGE LIMIT. An individual is entitled to an
1-53 employment preference under this chapter only if the individual is
1-54 25 years of age or younger.

1-55 SECTION 2. Section 2303.402(c), Government Code, is amended
1-56 to read as follows:

1-57 (c) For the purposes of this section, an economically
1-58 disadvantaged individual is an individual who:

1-59 (1) was unemployed for at least three months before
1-60 obtaining employment with the qualified business;

1-61 (2) receives public assistance benefits, including
1-62 welfare payments or food stamps, based on need and intended to
1-63 alleviate poverty;

2-1 (3) is a low-income individual, as defined by Section
2-2 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));
2-3 (4) is an individual with a disability, as defined
2-4 by 29 U.S.C. Section 705(20)(A);
2-5 (5) is an inmate, as defined by Section 498.001;
2-6 (6) is entering the workplace after being confined in
2-7 a facility operated by the institutional division of the Texas
2-8 Department of Criminal Justice or under contract with the Texas
2-9 Department of Criminal Justice;
2-10 (7) has been released by the Texas Youth Commission
2-11 and is on parole, if state law provides for such a person to be on
2-12 parole; ~~or~~
2-13 (8) meets the current low income or moderate income
2-14 limits developed under Section 8, United States Housing Act of 1937
2-15 (42 U.S.C. Section 1437f et seq.); or
2-16 (9) was under the permanent managing conservatorship
2-17 of the Department of Family and Protective Services on the day
2-18 preceding the individual's 18th birthday.

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

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