

SENATE AMENDMENTS

2nd Printing

By: Orr, Rodriguez, Parker, Strama, Shelton,
et al.

H.B. No. 1043

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

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

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

(b) If a state agency requires a competitive examination
under a merit system or civil service plan for selecting or
promoting employees, an individual entitled to an employment
preference under this chapter who otherwise is qualified for that
position and who has received at least the minimum required score
for the test is entitled to have a service credit of 10 points added

1 to the test score.

2 (c) This chapter does not apply to:

3 (1) the position of private secretary or deputy of an
4 official or department; or

5 (2) an individual holding a strictly confidential
6 relation to the employing officer.

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

12 Sec. 672.004. PREFERENCE APPLICABLE TO REDUCTION IN
13 WORKFORCE. (a) An individual entitled to a hiring preference under
14 this chapter is also entitled to a preference in retaining
15 employment if the state agency that employs the individual reduces
16 its workforce.

17 (b) The preference granted under this section applies only
18 to the extent that a reduction in workforce by an employing state
19 agency involves other employees of a similar type or
20 classification.

21 Sec. 672.005. COMPLAINT REGARDING EMPLOYMENT DECISION OF
22 STATE AGENCY. (a) An individual entitled to an employment
23 preference under this chapter who is aggrieved by a decision of a
24 state agency to which this chapter applies relating to hiring the
25 individual, or relating to retaining the individual if the state
26 agency reduces its workforce, may appeal the decision by filing a
27 written complaint with the governing body of the state agency under

1 this section.

2 (b) The governing body of a state agency that receives a
3 written complaint under Subsection (a) shall respond to the
4 complaint not later than the 15th business day after the date the
5 governing body receives the complaint. The governing body may
6 render a different hiring decision than the decision that is the
7 subject of the complaint if the governing body determines that the
8 employment preference under this chapter was not applied.

9 Sec. 672.006. AGE LIMIT. An individual is entitled to an
10 employment preference under this chapter only if the individual is
11 22 years of age or younger.

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

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

16 (1) was unemployed for at least three months before
17 obtaining employment with the qualified business;

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

21 (3) is a low-income individual, as defined by Section
22 101, Workforce Investment Act of 1998 (29 U.S.C. Section 2801(25));

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

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

26 (6) is entering the workplace after being confined in
27 a facility operated by the institutional division of the Texas

1 Department of Criminal Justice or under contract with the Texas
2 Department of Criminal Justice;

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

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

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

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

ADOPTED

MAY 27 2009

Antony Brown
Secretary of the Senate

By: Orr (Sp: Nelson)

H.B. No. 1043

Substitute the following for H.B. No. 1043:

By: Lucio

C.S. H.B. No. 1043

A BILL TO BE ENTITLED

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5 SECTION 1. Subtitle B, Title 6, Government Code, is amended
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CHAPTER 672. EMPLOYMENT PREFERENCE FOR FORMER FOSTER CHILDREN

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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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1043 by Orr (Relating to the creation of business opportunities for certain former foster children.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify conditions under which state agencies will give hiring and reduction in force preference to an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services.

The agencies contacted indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 347 Public Finance Authority, 454 Department of Insurance, 477 Commission on State Emergency Communications, 504 Texas State Board of Dental Examiners, 520 Board of Examiners of Psychologists, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JOB, PJK, JRO, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1043 by Orr (Relating to the creation of business opportunities for certain former foster children.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify conditions under which state agencies will give hiring and reduction in force preference to an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services.

The agencies contacted indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

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LBB Staff: JOB, PJK, JRO, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1043 by Orr (Relating to the creation of business opportunities for certain former foster children.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify conditions under which state agencies will give hiring and reduction in force preference to an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services.

The agencies contacted indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

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LBB Staff: JOB, JRO, SD, PJK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Mark Strama, Chair, House Committee on Technology, Economic Development & Workforce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1043** by Orr (Relating to the creation of business opportunities for certain former foster children.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify conditions under which state agencies will give hiring and reduction in force preference to an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services.

The agencies contacted indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 347 Public Finance Authority, 454 Department of Insurance, 477 Commission on State Emergency Communications, 504 Texas State Board of Dental Examiners, 520 Board of Examiners of Psychologists, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: JOB, JRO, SD, PJK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 27, 2009

TO: Honorable Mark Strama, Chair, House Committee on Technology, Economic Development & Workforce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1043 by Orr (Relating to the creation of an employment preference at state agencies for certain former foster children.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to specify conditions under which state agencies will give hiring and reduction in force preference to an individual who was under the permanent managing conservatorship of the Department of Family and Protective Services.

The agencies contacted indicate that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 347 Public Finance Authority, 454 Department of Insurance, 477 Commission on State Emergency Communications, 504 Texas State Board of Dental Examiners, 520 Board of Examiners of Psychologists, 529 Health and Human Services Commission, 582 Commission on Environmental Quality, 696 Department of Criminal Justice, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

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